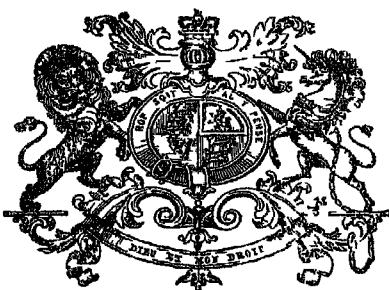


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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 3, 1891.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General of India for making Laws and Regulations or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 2nd January, 1891:—

NO. 1 OF. 1891.

A Bill to provide for the extension of the Indian Easements Act, 1882, to certain areas in which that Act is not in force.

WHEREAS it is expedient to provide for the extension of the Indian Easements Act, 1882, to V of 1882, certain areas in which that Act is not in force; It is hereby enacted as follows:—

I. The Indian Easements Act, 1882, is hereby V of 1882. extended to the territories 1882, to Bombay and respectively administered the North-Western Provinces and Oudh. by the Governor of Bombay in Council and the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh.

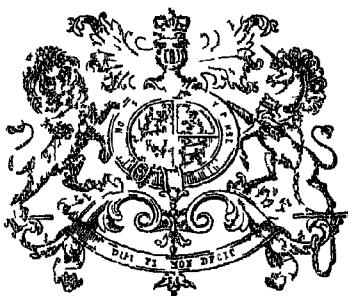
STATEMENT OF OBJECTS AND REASONS.

THE Indian Easements Act, 1882, extends at present to the Madras Presidency, the Central Provinces and Coorg only. It is proposed by this Bill, with the concurrence of the Governor of Bombay in Council and the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh, and of the High Courts of Judicature at Bombay and for the North-Western Provinces, to extend the Act to the Bombay Presidency and the North-Western Provinces and Oudh.

The 1st January, 1891.

ANDREW R. SCOBLE.

S. HARVEY JAMES,
Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 10, 1891

(*) Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General of India for making Laws and Regulations, or Reports of Select Committees presented to the Council

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th January, 1891:—

NO. 2 OF 1891.

A Bill to amend the Indian Merchandise Marks Act, 1889, and the Sea Customs Act, 1878.

WHEREAS it is expedient to amend the Indian Merchandise Marks Act, 1889, and the Sea Customs Act, 1878; It is hereby enacted as follows:—

1. In section 1, sub-section (2), of the Indian Merchandise Marks Act, 1889, the words "subject to the provision of the last section of this Act" are hereby repealed.

2. Section 19 of the Indian Merchandise Marks Act, 1889, and the words "Transitory Provision" prefixed to the section, are hereby repealed.

3. In clause (2), sub-clause (i), of section 18 of the Sea Customs Act, 1878, as amended by section 18 (2) (ii), Act 1878, for the words "that place and the country in which it is situated are" the words "the country in which that place is situated is" shall be substituted.

4. After section 18 of the Indian Merchandise Marks Act, 1889, as amended by this Act, the following shall be added, namely:—

"19 For the purposes of section 12 of this Definition of piece Act, and clause (f) of section 18 of the Sea Customs Act, 1878, as amended by this Act, the Governor General in Council may, by notification in the Gazette of India, declare what classes of goods are included in the expression 'piece-goods, such as are ordinarily sold by length or by the piece.'

"20. (1) The Governor General in Council may make rules, for the pur-poses of this Act, to provide, with respect to any goods which purport or are alleged to be of uniform number, quantity, measure, gauge or weight, for the number of samples to be selected and tested and for the selection of the samples.

"(2) With respect to any goods for the selection and testing of samples of which provision is not made in any rules for the time being in force under sub-section (1), the Court or officer of customs, as the case may be, having occasion to ascertain the number, quantity, measure, gauge or weight of the goods shall, by order in writing, determine the number of samples to be selected and tested and the manner in which the samples are to be selected.

"(3) The average of the results of the testing in pursuance of rules under sub-section (1) or of an order under sub-section (2) shall be *prima facie* evidence of the number, quantity, measure, gauge or weight, as the case may be, of the goods.

"(4) If a person having any claim to, or in relation to, any goods of which samples have been selected and tested in pursuance of rules under sub-section (1) or of an order under sub-

the goods be selected and tested, they shall, on his written application and on the payment in advance by him to the Court or officer of customs, as the case may be, of such sums for defraying the cost of the further selection and testing as the Court or officer may from time to time require, be selected and tested to such extent as may be permitted by rules to be made by the Governor General in Council in this behalf or as, in the case of goods with respect to which provision is not made in such rules, the Court or officer of customs may determine in the circumstances to be reasonable, the samples being selected in manner prescribed under sub-section (1), or in sub-section (2), as the case may be.

"(5) The average of the results of the testing referred to in sub-section (3) and of the further testing under sub-section (4) shall be conclusive proof of the number, quantity, measure, gauge or weight, as the case may be, of the goods.

"(6) Rules under this section shall be made after previous publication.

"21. An officer of the Government whose information as to duty it is to take part in commission of offences. the enforcement of this Act shall not be compelled in any Court to say whence he got any information as to the commission of any offence against this Act."

STATEMENT OF OBJECTS AND REASONS.

IN February last a Committee consisting of three officers of the Government, a representative of the Bengal Chamber of Commerce and a representative of the Calcutta Trades Association was appointed by the Governor General in Council for the purpose of considering, and submitting a report with respect to, certain matters connected with the working of the Indian Merchandise Marks Act, 1889.

2. The last paragraph of the report of the Committee, which was submitted in March last, was as follows:—

"10. We have considered some other questions in addition to those referred to us:

- (1) We consider that a section should be inserted in the Act giving power to the Governor General in Council to define from time to time the term 'piece-goods'. Such an amendment is required to give statutory effect to the regulation we have proposed that only certain goods should be treated as piece-goods.
- (2) It has been suggested to us that it is a hardship to require in section 10 of the Act [section 18 (e) (ii) of the Sea Customs Act] the name of both place and country on goods not made in the United Kingdom or British India. We think the objection reasonable and that it is sufficient to require the name of the country. We recommend that section 18 (e) be amended accordingly.
- (3) We recommend the insertion in the Act of a section giving the Governor General in Council such a power with respect to yarns and certain other goods as in the case of petroleum is given to the Local Governments by section 8 (1) (e) of the Petroleum Act, XII of 1886.
- (4) We also recommend the insertion in the Act of a provision similar to that contained in section 125 of the Indian Evidence Act, 1872, as amended by Act III of 1887. We make this suggestion because we think it desirable that Customs Collectors should not be compelled to disclose the names of their informants."

3. The Governor General in Council has accepted the suggestions of the Committee with respect to the amendment of the Indian Merchandise Marks Act, 1889; and the object of this Bill is to give effect to those suggestions.

The 9th January, 1891.

ANDREW R. SCOBLE.

S. HARVEY JAMES,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th January, 1891:—

NO. 3 OF 1891.

A Bill to amend the Indian Penal Code and the Code of Criminal Procedure, 1882.

WHEREAS it is expedient to amend the Indian

Penal Code and the Code of Criminal Procedure, X of 1882, 1882; It is hereby enacted as follows:—

1. In section 375 of the Indian Penal Code, XLV of 1860. Amendment of section 375 of the Indian Penal Code. In the clause marked *Fifth* and in the *Exception*, the word "twelve" shall be substituted for the word "ten".

2. In Schedule II to the Code of Criminal Procedure, 1882, for the entry respecting section 376 of the Indian Penal Code the following shall be substituted, namely:—

Column 1.	Column 2.	Column 3.	Column 4.	Column 5.	Column 6.	Column 7.	Column 8
376	Rape— If the sexual intercourse was by a man with his own wife.	Shall not arrest without warrant.	Summons	Bailable.	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
	In any other case	May arrest without warrant.	Warrant.	Not bailable.	Ditto.	Ditto.	Ditto.

STATEMENT OF OBJECTS AND REASONS.

THE fifth clause of section 375 of the Indian Penal Code declares that the offence of rape is committed whenever a man has sexual intercourse with a woman who is under ten years of age with or without her consent. The exception to the section provides that sexual intercourse by a man with his own wife, the wife not being under ten years of age, is not rape. The limit at which the age of consent is now fixed favours the premature consummation by adult husbands of marriages with children who have not reached the age of puberty, and is thus, in the unanimous opinion of medical authorities, productive of grievous suffering and permanent injury to child-wives and of physical deterioration in the community to which they belong. It has, therefore, been determined to raise the age of consent to twelve, and the Bill effects this purpose by substituting the word "twelve" for "ten" in the fifth clause of section 375 of the Indian Penal Code and the exception to that section. In order to prevent the possibility of vexatious and unjustifiable interference with the domestic concerns of respectable people which might result from the raising of the age of consent, it has been determined to withdraw the offence of rape, when alleged to have been committed by a husband on his wife from the cognizance of the police, and the alteration of Schedule II of the Criminal Procedure Code of 1882 contained in the Bill has been made with this object.

The 9th January, 1891.

ANDREW R. SCOBLE.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th January, 1891:—

NO. 4 OF 1891.

A Bill to amend and supplement the Indian Ports Act, 1889.

WHEREAS it is expedient to amend and supplement the Indian Ports Act, 1889; It is hereby enacted as follows:—

1. For clause (a) of section 6, sub-section (1), of the Indian Ports Act, 1889, the following shall be substituted, namely:—

"(a) for regulating the time and hours at and during which, the speed at which, and the manner and conditions in and on which, vessels generally, or vessels of any class defined in the rules, may enter, leave or be moved in any port subject to this Act;".

2. Any direction which, having been issued Saving of past rules by a Local Government respecting the moving and published in an official of vessels in ports. Gazette, expressly purports, or may be reasonably held to have been intended, to be a rule under section 7, clause 8, of Act XXII of 1855, or under section 7, clause (h), of the Indian Ports Act, 1875, or under section XII of 1875, sub-section (1), clause (h), of the Indian Ports Act, 1889, or under any other law for the X of 1889, time being in force, with respect to the moving of vessels in any port which is at the commencement of this Act subject to the Indian Ports Act, 1889, shall, if the direction has not been cancelled by the Local Government by a notification in an official Gazette and could, after the commencement of this Act, be issued as a rule made under clause (a) of section 6, sub-section (1), of the Indian Ports Act, 1889, as amended by the foregoing section of this Act, be deemed to have been issued as a rule made under that clause.

3. The expressions "port" and "vessel" in Definitions. this Act have respectively the same meanings as in X of 1889, the Indian Ports Act, 1889.

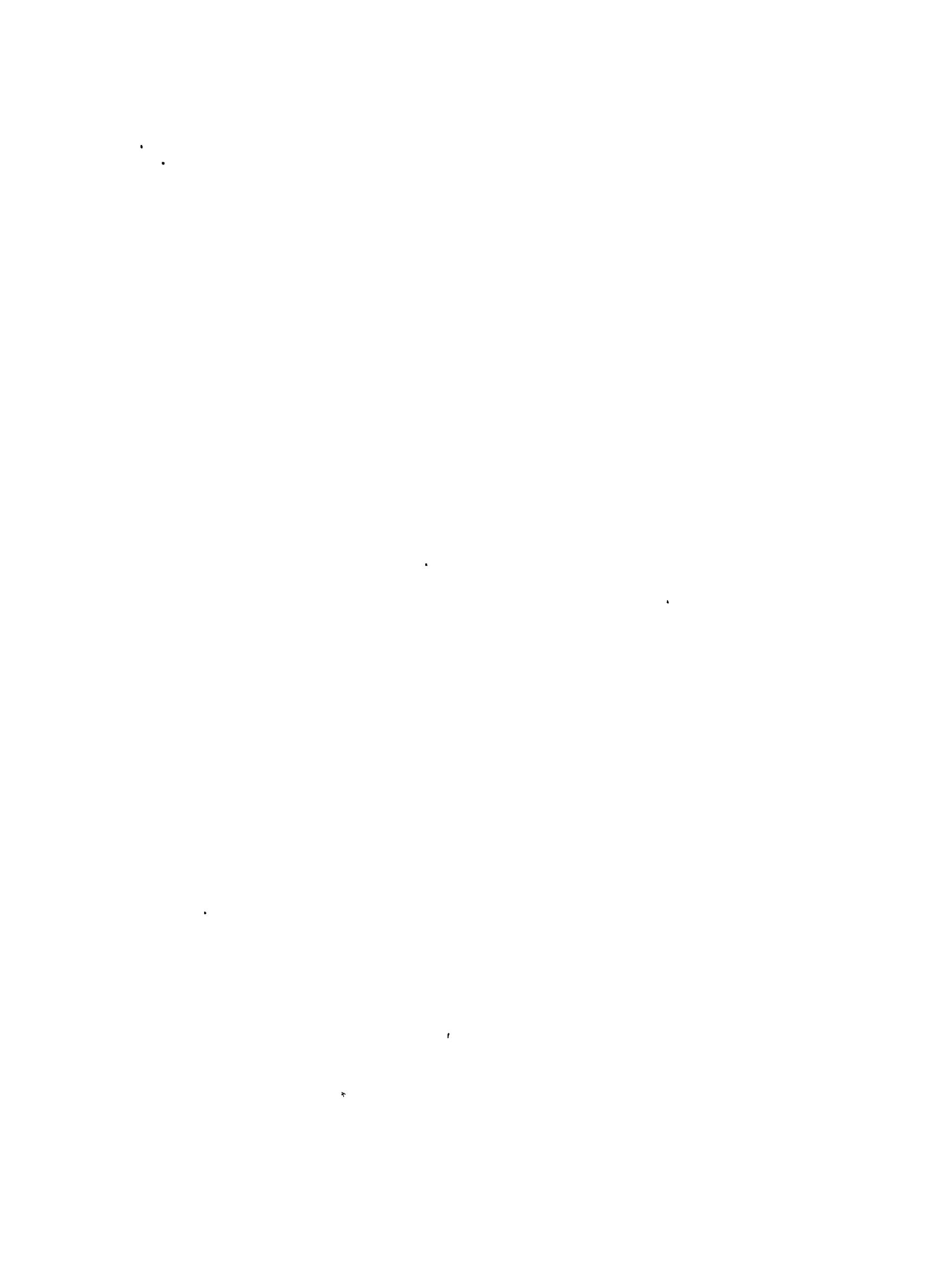
STATEMENT OF OBJECTS AND REASONS.

THE question having recently been raised whether clause (h) of section 6, sub-section (1), of the Indian Ports Act, 1889, is sufficient authority for the making of such rules with respect to the movements of vessels in ports as are not only absolutely essential for the public safety but as have for the last thirty-five years been made under that clause and the corresponding clauses in the Ports Acts of 1855 and 1875 and been consistently acted upon by both Courts and port-authorities, this Bill has been prepared for the purpose of setting that question at rest.

The 9th January, 1891.

D. BARBOUR.

S. HARVEY JAMES,
Secretary to the Government of India.



GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend the Cattle-trespass Act, 1871, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 9th January, 1891:—

WE, the undersigned, Members of the Select Committee to which the Bill to amend the Cattle-tres-

pass Act, 1871, was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as revised by us annexed thereto.

2. *Sections 2 and 9 of Bill as revised.* — We consider that Act XVIII of 1883 (*to amend the Cattle-trespass Act, 1871*) should be incorporated in the Act of 1871. We have accordingly added certain definitions to section 3, and a new Chapter after section 30, of the latter Act.

From Captain R. C. Temple, on special duty, Military Department, dated 20th July, 1890 [Paper No. 1].

From Officiating Registrar, High Court, Calcutta, No. 2071, dated 5th September, 1890 [Paper No. 2].

From Chief Commissioner, Ajmere-Merwara, No. 995—690, dated 11th September, 1890 [Paper No. 3].

From Secretary to Chief Commissioner, Coorg, No. 1381—160-90-92, dated 5th September, 1890, and enclosures [Papers No. 4].

Memorandum by Mr. P. R. Desai, Pleader, District Court, Ratnagiri, dated 7th September, 1890 [Paper No. 5].

From Officiating Secretary to Chief Commissioner, Central Provinces, No. C.—93, dated 15th September, 1890 [Paper No. 6].

From Chief Secretary to Government, Madras, No. 1470, dated 5th September, 1890, and enclosures [Papers No. 7].

From Officiating Junior Secretary to Government, Punjab, No. 795S., dated 5th September, 1890, and enclosures [Papers No. 8].

Endorsement by Officiating Deputy Secretary to Government of India, Foreign Department, No. 1099E, dated 23rd September, 1890, and enclosure [Papers No. 9].

From Chief Secretary to Government, Bombay, No. 3780, dated 19th September, 1890 [Paper No. 10].

Telegram from Secretary for Barar to Resident, Hyderabad, No. 339, dated 24th September, 1890 [Paper No. 11].

From Officiating Secretary to Chief Commissioner, Burma, No. 552—5L, dated 17th September, 1890, and enclosures [Papers No. 12].

From Secretary to Government, North-Western Provinces and Oudh, No. 3334, dated 23rd September, 1890, and enclosures [Papers No. 13].

From Officiating Secretary to Chief Commissioner, Assam, No. 3921J., dated 20th September, 1890, and enclosures [Papers No. 14].

From Secretary to Government, North-Western Provinces and Oudh, No. 3372, dated 29th September, 1890, and enclosure [Papers No. 15].

From Officiating Chief Secretary to Government, Bengal, No. J. 25—A.—2-25, dated 7th October, 1890, and enclosures [Papers No. 16].

From Secretary to Chief Commissioner, Coorg, No. 1607—160-90, dated 9th October, 1890 [Paper No. 17].

From Officiating Junior Secretary to Government, Punjab, No. 916, dated 14th October, 1890, and enclosures [Papers No. 18].

From Chief Secretary to Government, Bengal, No. J. 25—A.—2-28, dated 15th November, 1890, and enclosure [Papers No. 19].

3. *Sections 3, 4 and 6 of Bill as revised.* — We have proposed by the amendment of sections 10 and 11, and Chapter V, of the Act of 1871 to provide for the suppression of the practice, which obtains in some parts of British India, of unlawfully detaining in unauthorised places cattle which may have been lawfully seized.

4. *Section 5 of Bill as revised.* — We are of opinion that it is inexpedient to authorise a higher scale of fines under section 12 of the Act than that proposed in the Bill as introduced. But, if fines on that scale have been incurred, we see no reason why provision should be made for their remission. We have accordingly, while retaining sub-section (7) of section 2 of the Bill as introduced, omitted the greater part of sub-section (8) of that section.

5. *Section 8 of Bill as revised.* — We have proposed, on the recommendation of several authorities, to enhance the fine which may be imposed under section 26 of the Act as amended by section 4 of the Bill as introduced.

6. The publication ordered by the Council has been made as follows:—

<i>In English.</i>		<i>Date.</i>
<i>Gazette.</i>		
Gazette of India		5th July, 1890.
Fort Saint George Gazette		29th July, 1890.
Bombay Government Gazette		10th July, 1890.
Calcutta Gazette		16th July, 1890.
North-Western Provinces and Oudh Government Gazette		12th July, 1890.
Punjab Government Gazette		10th July, 1890.
Central Provinces Gazette		12th July, 1890.
Burma Gazette		26th July, 1890.
Assam Gazette		26th July, 1890.
Coorg District Gazette		1st August, 1890.

In the Vernaculars.

<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
Madras	Tamil	10th August, 1890.
	Telugu	26th August, 1890.
	Kanarese	26th August, 1890.
	Hindustani	9th September, 1890.
	Malayalam	16th September, 1890.
Bombay	Marathi	14th August, 1890.
	Gujarathi	14th August, 1890.
	Kanarese	14th August, 1890.
Bengal	Bengali	5th August, 1890.
	Uriya	14th August, 1890.
	Hindi	30th September, 1890.
North-Western Provinces and Oudh.	Urdu	20th September, 1890.
Assam	Bengali	23rd August, 1890.
Coorg	Kanarese	1st September, 1890.

7. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

8. The Hon'ble Rao Bahádur Krishnaji Lakshman Nulkar was prevented by illness from attending the meeting of the Committee.

PHIL. P. HUTCHINS
ANDREW R. SCOBLE.
F. M. HALLIDAY.
J. NUGENT.

The 9th January, 1891.

I was unable to attend the meeting of the Select Committee, but I accept the conclusions stated in the Report subject to the following exception:—

I beg to record my dissent from the amendment of section 26 of Act I of 1871 proposed in section 8 of the Bill as revised, for the reasons which commended themselves to the Select Committee on the Bill now Act I of 1871; and for easy reference I transcribe them here. At the meeting of the Council held on the 13th January, 1871, when that Act was passed, the Hon'ble Mr. Cockerell stated, on behalf of the Select Committee, that—

"It had been suggested that the provisions of section 26, which made punishable the negligently suffering damage to be caused by trespass of pigs, should be extended so as to include the case of other trespassing cattle. The Committee, after a careful consideration of the matter, had not adopted this proposal. Section 26 was thought to involve a wrong principle, the operation of which should not be extended. There were peculiar difficulties in the way of seizing and conveying pigs to a pound, and it was probably this consideration which led to the original enactment of the special provision of the law in regard to them, and the omission to include them in the list of animals in respect of which a pound-fine was leviable. The injury sustained in such cases was a civil injury, properly referrible, for the purpose of obtaining redress, to the Civil Court, and not to the Magistrate. * * * * It might be said that the fine inflicted in such cases was to be regarded simply as an award of damages; but in that case the Civil Court was the fittest place for the adjudication of the questions which had to be considered in determining such award."

I consider it very objectionable and unnecessary to invest Magistrates in such cases with the dual powers of imposing fines as punishment for the offence, and at the same time of assessing and awarding, out of those fines, compensation for damages. Sections 425 to 427 of the Indian Penal Code specifically provide adequate punishment for the offence in question; and the Civil Court is the proper tribunal to assess and award compensation for such damages.

K. L. NULKAR.

No. II.

A Bill to amend the Cattle-trespass Act, 1871, and incorporate therein Act XVIII of 1883.

WHEREAS it is expedient to amend the Cattle-trespass Act, 1871, and incorporate therein Act XVIII of 1883 (*to amend the Cattle-trespass Act, 1871*) ; It is hereby enacted as follows —

Substitution of new section for section 1, Cattle-trespass Act, 1871, Act I, 1871. I. For section 1 of the section for section 1, Cattle-trespass Act, 1871, the following shall be substituted, namely :—

“ 1. (1) This Act may be called the Cattle-trespass Act, 1871, Title and extent. and

(2) It extends to the whole of British India except the Presidency-towns and such local areas as the Local Government, by notification in the official Gazette, may from time to time exclude from its operation.

(3) The Local Government may at any time, by notification in the official Gazette, cancel or vary a notification under sub-section (2). ”

2. To section 3 of the said Act the following Additions to section 3, Act I, 1871. shall be added, namely :—

“ , and

‘Local authority’ means any body of persons for the time being invested by law with the control and administration of any matters within a specified local area, and

‘Local fund’ means any fund under the control or management of a local authority.”

3. In section 10 of the said Act, for the words Amendment of sec. 10, Act I, 1871. “take them or cause them to be taken without unnecessary delay” the words “send them or cause them to be sent within twenty-four hours” shall be substituted.

4. In section 11 of the said Act, for the words Amendment of sec. 11, Act I, 1871. “take them without necessary delay” the words “send them or cause them to be sent within twenty-four hours” shall be substituted.

5. (1) To the first paragraph of section 12 Additions to section 12, Act I, 1871. of the said Act, prescribing the scale according to which the pound-keeper is to levy a fine for every head of cattle impounded, the following proviso shall be added, namely :—

“ Provided that, when it appears to the Local Government from the report of a Magistrate of a District, or on the representation of a local authority, that, in any local area subject to the jurisdiction or control of such Magistrate or

authority, cattle are habitually allowed to trespass on land and damage crops or other produce thereon, the Local Government may, by notification in the official Gazette, direct that, for every head of cattle of any kind specified therein which may be seized within such local area and impounded as aforesaid, the pound-keeper shall levy such fine, not exceeding double the fine mentioned in the foregoing scale, as may be prescribed in the notification.”

(2) After the third paragraph of the same section the following shall be added, namely :—

“ The Local Government may at any time, by notification in the official Gazette, cancel or vary a notification under the proviso to the first paragraph of this section.”

Substitution of new Chapter for Chapter V, Act I, 1871. 6. For Chapter V of the Chapter for Chapter V, said Act the following shall be substituted, namely :—

“CHAPTER V.

“COMPLAINTS OF ILLEGAL SEIZURE OR DETENTION.

“ 20. Any person whose cattle have been seized under this Act, or, having been so seized, have been detained in contravention of this Act, may, at any time within ten days from the date of the seizure, make a complaint to the Magistrate of the District or any Magistrate authorized to receive and try charges without reference by the Magistrate of the District.

“ 21. The complaint shall be made by the complainant in person, or by an agent personally acquainted with the circumstances. It may be either in writing or verbal. If it be verbal, the substance of it shall be taken down in writing by the Magistrate.

“ If the Magistrate, on examining the complainant or his agent, sees reason to believe the complaint to be well founded, he shall summon the person complained against, and make an enquiry into the case.

“ 22. If the seizure or detention be adjudged illegal, the Magistrate shall award to the complainant, for the loss caused by the seizure or detention, reasonable compensation, not exceeding one hundred rupees, to be paid by the person who made the seizure or detained the cattle, together with all fines paid and expenses incurred by the complainant in procuring the release of the cattle ;

and if the cattle have not been released, the Magistrate shall, besides awarding such compensation, order their release and direct that the fines and expenses leviable under this Act shall be paid by the person who made the seizure or detained the cattle.

23. The compensation, fines and expenses mentioned in section twenty-two may be recovered as if they were fines imposed by the Magistrate."

7. In section 25 of the said Act the words "under the next following section or" shall be inserted between the words "Any fine imposed" and the words "for the offence of mischief"

8. To section 26 of the said Act the following shall be added, namely.—

9. The Local Government, by notification in the official Gazette, may from time to time, with respect to any local area specified in the notification, direct that the foregoing portion of this section shall be read as if it had reference to cattle generally, or to cattle of a kind described in the notification, instead of to pigs only, or as if the words 'fifty rupees' were substituted for the words 'ten rupees' or as if there were both such reference and such substitution.

The Local Government may at any time, by notification in the official Gazette, cancel or vary a notification under this section."

10. After Chapter VII the following shall be added, namely:—

CHAPTER VIII.

SUPPLEMENTAL.

Power for Local Government to transfer certain functions to local authority and direct credit of surplus receipts to local fund.

(a) transfer to any local authority, within any part of the territories under its administration in which this Act is in operation, all or any of the functions of the

31. The Local Government may, from time to time, by notification in the official Gazette—

Local Government or the Magistrate of the District under this Act, within the local area subject to the jurisdiction of the local authority, or

(b) direct that the whole or any part of the surplus accruing in any district under section eighteen of this Act shall be placed to the credit of such local fund or funds as may be formed for any local area or local areas comprised in that district,

and may, from time to time, by notification in the official Gazette, cancel or vary any notification under this section."

10. Act XVIII of 1883 (*to amend the Cattle-trespass Act, 1871*) is hereby repealed:

Provided that orders which have been made and notified under that Act by the Local Government and are in force immediately before the commencement of this Act shall be deemed to have been made under the Cattle-trespass Act, I of 1871, as amended by this Act.

11. In section 6, sub-section (3), of the Cattle-trespass Act, 1889, for XIII of 1889, the words and figures "Act XVIII of 1883 (*to amend the Cattle-trespass Act, 1871*)" the words and figures I of 1871, "the Cattle-trespass Act, 1871" shall be substituted.

12. Any enactment or document referring to the Cattle-trespass Act, I of 1871, or to Act XVIII of 1883 (*to amend the Cattle-trespass Act, 1871*), shall be construed to refer to the Cattle-trespass Act, 1871, as amended by this Act.

13. This Act shall come into force on the first day of April, 1891.

S. HARVEY JAMES,
Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, JANUARY 24, 1891.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General of India for making Laws and Regulations, or Reports of Select Committees presented to the Council.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 23rd January, 1891:—

NO. 5 OF 1891.

A Bill to amend the Inland Steam-vessels Act, 1884.

WHEREAS it is expedient to amend the Inland Steam-vessels Act, 1884; It is hereby enacted as follows:—

Substitution of now Chapter for Chapter III, said Act the following shall be substituted, namely:—

“CHAPTER III.

“MASTERS AND ENGINEERS OF INLAND STEAM-VESSELS.

“22. The Local Government may, from time to time, appoint persons for the purpose of examining the qualifications of persons desirous of obtaining certificates of competency as masters or as engineers or engine-drivers of inland steam-vessels.

“23. (1) The Local Government shall grant to every person who is reported by the examiners to possess the necessary qualifications a certificate of competency to the effect that he is competent to act as a first-class, second-class or third-class master, as the case may be, of an inland steam-vessel.

“(2) Every certificate granted under this section shall be in the prescribed form.

“24. (1) The Local Government shall grant to every person who is reported by the examiners to possess the necessary qualifications a certificate of competency to the effect that he is competent to act as an engineer or first-class or second-class engine-driver, as the case may be, of an inland steam-vessel.

“(2) Every certificate granted under this section shall be in the prescribed form.

“25. Before granting a certificate under either of the two last foregoing sections, the Local Government may, if it has reason to believe that the report of the examiners regarding any applicant has been unduly made, require a re-examination of the applicant or a further inquiry into his testimonials and character.

“25A. (1) The Local Government may in its discretion grant without examination to any person who has served as a master, or as an engineer or engine-driver, of an inland steam-vessel before the first day of April, 1890, a certificate of service to the effect that he may act as a first-class, second-class or third-class master, or as an engineer or first or second class engine-driver, as the case may be, of an inland steam-vessel.

“(2) A certificate of service so granted shall have the same effect as a certificate of competency granted under this Act after examination.

“26. Every certificate of competency or certificates to be granted under this Act made in duplicate, shall be made in duplicate, and one copy shall be delivered to the person entitled to the certificate, and the other shall be kept and recorded in the prescribed manner.

" 27. Whenever a master or an engineer or Copy of certificate to an engine-driver proves, be granted in certain to the satisfaction of the cases.

Local Government which granted his certificate, that he has, without fault on his part, lost or been deprived of it, a copy of the certificate to which, by the record kept as provided by law, he appears to be entitled shall be granted to him, and shall have all the effect of the original.

" 28. (1) An inland steam-vessel having engines of eighty nominal necessary in case of horse-power or upwards different steam-vessels. shall not proceed on any voyage unless she has—

17 & 18 Vict.,
c. 104, &c

32 & 33 Vict.,
c. 11.

VII of 1884

(a) as her master a person possessing a first-class master's certificate granted under this Act or a master's certificate granted under Act I of 1859 (*for the amendment of the law relating to Merchant Seamen*) or the Merchant Shipping Acts, 1854 to 1889, or to which the provisions of any such Act have been made applicable under the Merchant Shipping (Colonial) Act, 1869, and

(b) as her engineer a person possessing an engineer's certificate granted under this Act or the Indian Steam-ships Act, 1884 or the Merchant Shipping Acts, 1854 to 1889, or to which the provisions of any such Act have been made applicable under the Merchant Shipping (Colonial) Act, 1869.

" (2) An inland steam-vessel having engines of thirty nominal horse-power or upwards but of less than eighty nominal horse-power shall not proceed on any voyage unless she has—

(a) as her master a person possessing a second-class master's certificate granted under this Act or a certificate of the higher grade of the nature referred to in clause (a) of sub-section (1), and

(b) as her engineer a person possessing a first-class engine-driver's certificate granted under this Act or an engine-driver's certificate granted under the Indian Steam-ships Act, 1884, or a certificate of the higher grade of the nature referred to in clause (b) of sub-section (1):

Provided that a steam-vessel shall be deemed to have complied with this sub-section if she has as her master and engineer a person possessing both a second-class master's certificate and a first class engine-driver's certificate granted under this Act.

" (3) An inland steam-vessel having engines of less than thirty nominal horse-power shall not proceed on any voyage unless she has—

(a) as her master a person possessing a third-class master's certificate granted under this Act or a certificate of the higher grade of the nature referred to in clause (a) of sub-section (1) or sub-section (2), and;

(b) as her engineer a person possessing a second-class engine-driver's certificate granted under this Act or an engine-driver's certificate granted under the Indian Steam-ships Act, 1884, or a certificate of the higher grade of the

nature referred to in clause (b) of sub-section (1) or sub-section (2):

Provided that a steam-vessel shall be deemed to have complied with this sub-section if she has as her master and engineer a person possessing both a third-class master's certificate and a second-class engine-driver's certificate granted under this Act.

" (4) Notwithstanding anything in sub-section (1), sub-section (2) or sub-section (3), the Local Government may, by general or special order, direct that a person possessing a master's certificate granted under Act I of 1859 (*for the amendment of the law relating to Merchant Seamen*) or the Merchant Shipping Acts, 1854 to 1889, or to which the provisions of any such Act have been made applicable under the Merchant Shipping (Colonial) Act, 1869, or possessing an engineer's certificate granted under the Indian Steam-ships Act, 1884, or the Merchant Shipping Acts, 1854 to 1889, or to which the provisions of any such Act have been made applicable under the Merchant Shipping (Colonial) Act, 1869, shall not act as master or engineer, as the case may be, of an inland steam-vessel unless he also possesses, in the case of a master, such a master's certificate granted under this Act as qualifies him under this section to act as master of the vessel, or, in the case of an engineer, such an engineer's or engine-driver's certificate granted under this Act as qualifies him under this section to act as engineer of the vessel:

" Provided that, for the purposes of this sub-section, the Local Government may, in its discretion, grant without examination a master's, engineer's or engine-driver's certificate of competency under this Act, and that a certificate of competency so granted without examination shall have the same effect as a certificate of competency granted under this Act after examination.

Power for Local Government to make rules as to grant of certificates of competency and certificates of service.

" 29. (1) The Local Government may make rules to regulate the granting of certificates of competency under this Act, and may by such rules—

(a) provide for the conduct of the examination of persons desirous of obtaining certificates of competency as masters, engineers or engine-drivers under this Act;

(b) prescribe the qualifications to be respectively required of persons desirous of obtaining first-class masters' certificates, second-class masters' certificates, third-class masters' certificates, engineers' certificates, first-class engine-drivers' certificates and second-class engine-drivers' certificates, respectively;

(c) fix the fees to be paid by all applicants for examination; and

(d) prescribe the form in which certificates are to be framed, and the manner in which the copy of the certificate which is kept by the Local Government is to be recorded.

" (2) The Local Government may also make rules with respect to the grant of certificates of service under this Act, and may by such rules—

(a) fix the fees to be paid for such certificates,

(b) prescribe the form in which such certificates are to be framed and the manner in which the copy of the certificate which is kept by the Local Government is to be recorded."

Substitution of new clause for clause (c), section 43, Act VI, 1884

2. For clause (c) of section 43 of the said Act the following shall be substituted, namely:—

"(c) if, in the case of a second-class or third-class master or an engine-driver, the master or engine-driver is, or has become, in the opinion of the Local Government, unfit to act as a second-class or third-class master or an engine-driver, as the case may be."

3 Sections 9, 10 and 11 of Act III of 1890
Repeal of sections 9, 10 and 11, Act III, 1890. (an Act to amend Acts VI and VII of 1884) are hereby repealed.

STATEMENT OF OBJECTS AND REASONS.

THE objects of this Bill are two—

- (1) to authorise a third class of masters and a second class of engine-drivers, and
- (2) to enable Local Governments to assure themselves that holders of Board of Trade, Colonial and local certificates for sea-going ships are qualified to act as masters or engineers, as the case may be, of inland steam-vessels.

As regards the first object, it is obviously in the interest of the owners of inland steam-vessels that there should be a third class of masters and a second class of engine-drivers for the working of small steam-vessels. For the navigation of such vessels persons with qualifications inferior to those which must be required from masters and engineers of steam-vessels having engines up to seventy-nine horse-power may, it is considered, be permitted to act as masters and engineers.

As regards the second object of the Bill, experience has shown that a competent navigator of a sea-going ship is not necessarily a competent navigator of an inland steam-vessel in waters where some local and special knowledge may be absolutely essential for the safe conduct of the vessel.

The 21st January, 1891.

D. BARBOUR.

S. HARVEY JAMES,
Secretary to the Government of India.



GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend the Indian Christian Marriage Act, 1872, was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 23rd January, 1891:—

WE, the undersigned, Members of the Select Committee to which the Bill to amend

the Indian Christian Marriage Act, 1872, was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as revised by us annexed thereto.

2. The opinions with respect to the Bill which have been submitted for our consideration are of much interest, and very many of the suggestions which we have been unable to adopt in a mere amending Bill will be

From the Revd. K. S. Macdonald, Editor, *Indian Evangelical Review*, Calcutta, dated 19th July, 1890 [Paper No. 1].
 From Babu Behari Lal Chandra, Calcutta, dated 7th August, 1890 [Paper No. 2].
 Memorial from the Members of the American Marathi Mission, Ahmednagar District, dated 30th July, 1890 [Paper No. 3].
 From Secretary for Berar to Resident, Hyderabad, No. 265, dated 11th August, 1890 [Paper No. 4].
 From Behari Lal Chandra, Esq., dated 10th September, 1890 [Paper No. 5].
 From Officiating Secretary to Chief Commissioner, Assam, No. 3737, dated 8th September, 1890 [Paper No. 6].
 From Secretary to Chief Commissioner, Coorg, No. 1418—16690, dated 10th September, 1890 [Paper No. 7].
 From Officiating Junior Secretary to Government, Punjab, No. 809S, dated 8th September, 1890, and enclosures [Papers No. 8].
 From Officiating Registrar, High Court, Calcutta, No. 2196, dated 16th September, 1890 [Paper No. 9].
 Endorsement by Officiating Under Secretary to Government of India, Foreign Department, No. 32721, dated 1st October, 1890, and enclosure [Papers No. 10].
 From Chief Commissioner, Ajmere-Merwara, No. 1091—690, dated 9th October, 1890, and enclosure [Papers No. 11].
 From Assistant Secretary to Chief Commissioner, Central Provinces, No. 6764—669, dated 24th October, 1890 [Paper No. 12].
 From Officiating Chief Secretary to Chief Commissioner, Burma, No. 1128—9L, dated 24th October, 1890, and enclosures [Papers No. 13].
 From Chief Secretary to Government, Madras, No. 1697, dated 31st October, 1890, and enclosures [Papers No. 14].
 From Secretary to Government, Bengal, No. 151, dated 19th November, 1890, and enclosures [Papers No. 15].
 From Secretary to Government, North-Western Provinces and Oudh, No. 3740—VI-315B, dated 17th November, 1890, and enclosures [Papers No. 16].
 From Her Majesty's Secretary of State for India, No. 41, dated 6th November, 1890, and enclosures [Papers No. 17].
 From Secretary to Government, Bombay, No. 106, dated 24th November, 1890, and enclosures [Papers No. 18].
 Proceedings of a Meeting of the Missionaries of the Church Missionary Society resident in Calcutta, dated 1st December, 1890 [Paper No. 19].

found to be of great value when the Indian Christian Marriage Act, 1872, comes under general revision. The Act is not under such revision at present.

3. We have deemed it necessary to propose the omission of the first section of the Bill as introduced. The current of opinion is adverse to the proposed addition to clause (2) of section 5 of the Act of 1872, and we consider that the difficulties which the proposed amendment, if it were to become law, might create are greater than those which it was its purpose to remove.

4. *Section 1 of Bill as revised.*—Having considered a representation from the Revd. Dr. Laing, Moderator of the Presbyterian Church in Canada, we have in subsection (2) of this section proposed to recast section 6 of the Act. But the limited extent of the authority of the Council of the Governor General of India for making Laws and Regulations, and other reasons applying to other Churches as well as to the Presbyterian Church, render it impossible or, in our opinion, inexpedient to do all that the Revd. Dr. Laing has suggested. We understand, however, that certain Native States have recently proposed, subject to the approval of the Government of India, to legislate with respect to marriages of Native Christians for whom the Governor General of India in Council cannot legislate, and that the proposals of those States have been favourably received.

In the further sub-sections of section 1 of the Bill as revised by us, we have proposed to incorporate Act XV of 1884 and to remove any possible room for doubt as to the validity of existing licenses to solemnize marriages.

5. *Section 2 of Bill as revised.*—Here we have proposed to adopt a suggestion made by the Revd. Mr. Greig, Senior Chaplain of the Church of Scotland in the Bombay Presidency, and commended by the Governor of Bombay in Council to the consideration of this Council.

6. *Section 3 of Bill as revised.*—Here, again, we have proposed to amend the Bill in

"belonging to the Church of England", which it was proposed to add to the word "church" where that word first occurs in section 11, do not give effect to the intention of the framers of the Act of 1872.

7. *Section 4 of Bill as revised.*—In this section we have proposed that the register-book be kept in English or in the Vernacular language in ordinary use in the district or State in which the marriage is solemnized.

8. *Section 6 of Bill as revised.*—Here we have proposed to remove the word "knowingly" as being unnecessary and not unlikely to place an obstacle in the way of a proper prosecution.

9. *Section 7 of Bill as revised.*—This section is a corollary to the proposed addition to section 10 of the Act.

10. *Section 8 of Bill as revised.*—This section has been suggested to us by the following remarks recorded by Mr. S. Siinavasa Raghavaiangar, Registrar General, Madras:—

"Under section 72, it is penal in a Marriage Registrar to issue a certificate under section 41 after the expiration of three months from the date on which the notice is entered under section 40. Again, under section 71 (2), it is penal to solemnize a marriage after the expiration of two months from the date of the issue of the certificate. Section 52, however, provides that the Marriage Registrar shall not register a marriage if it is not solemnized within two months from the date on which the notice given in regard to it is entered as required in section 40. These provisions do not seem to be quite consistent with one another."

11. *Section 9 of Bill as revised.*—Here we have followed the advice of the High Court of Judicature at Fort William in Bengal.

12. The publication ordered by the Council has been made as follows:—

In English.

Gazette.

<i>Gazette of India</i>	<i>Date.</i>
Fort Saint George Gazette	12th July, 1890.
Bombay Government Gazette	12th August, 1890.
Calcutta Gazette	24th July, 1890.
North-Western Provinces and Oudh Government Gazette	23rd July, 1890.
Punjab Government Gazette	19th July, 1890.
Central Provinces Gazette	17th July, 1890.
Burma Gazette	19th July, 1890.
Assam Gazette	2nd August, 1890.
Coorg District Gazette	26th July, 1890.
Sindh Official Gazette	1st August, 1890.
	21st August, 1890.

In the Vernaculars.

Province.

<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
Bengal	Bengali	5th August, 1890.
	Urdu	21st August, 1890.
Central Provinces	Hindi	7th October, 1890.
Burma	Urdu	15th October, 1890.
Assam	Burmese	9th August, 1890.
Sindh	Bengali	23rd August, 1890.
	Sindhi	21st August, 1890.

13. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

ANDREW R. SCOBLE.

PHIL. P. HUTCHINS.

H. W. BLISS.

J. NUGENT.

The 22nd January, 1891.

No. II.

A Bill to amend the Indian Christian Marriage Act, 1872.

WHEREAS it is expedient to amend the Indian Christian Marriage Act, 1872; It is hereby enacted as follows:—

1. (1) For section 6 of the Indian Christian Marriage Act, 1872, the section for section 6, following shall be substituted, namely:—

“6. The Local Government, so far as regards the territories under its administration, and the Governor General in Council, so far as regards any Native State, may, by notification in the local official Gazette or in the Gazette of India, as the case may be, grant licenses to Ministers of Religion to solemnize marriages within such territories and State, respectively, and may, by a like notification, revoke such licenses.”

(2) A license to solemnize marriages granted to a Minister of Religion under Act XXV of 1864 (*to provide further for the solemnization of marriages in India of persons professing the Christian Religion*) shall be deemed, if in force on the day on which the Indian Marriage Act, 1865, came into force, to have been, while that Act was in force, a license granted under that Act, and, if in force on the day on which the Indian Christian Marriage Act, 1872, came into force, to have been, since that Act came into force, a license granted under that Act.

(3) A license to solemnize marriages granted to a Minister of Religion under Act XXV of 1864 (*to provide further for the solemnization of marriages in India of persons professing the Christian Religion*), the Indian Marriage Act, 1865, or the Indian Christian Marriage Act, 1872, shall, if in force immediately before the commencement of this Act, be deemed to have been granted under the Indian Christian Marriage Act, 1872, as amended by sub-section (1) of this section.

(4) Act XV of 1884 (*for the validation of certain licenses to solemnize Marriages granted to Ministers of Religion under Act XXV of 1864*) is hereby repealed.

2. To the proviso to section 10 of the said Act the following shall be added, namely:—

“or

(3) a Clergyman of the Church of Scotland solemnizing a marriage according to the rules, rites, ceremonies and customs of the Church of Scotland.”

3. In section 11 of the said Act, after the words “other than a church” the words “where worship is generally held according to the forms of the Church of England” shall be added, and between the word “no” and the word “church” in the expression “unless there is no church” the word “such” shall be inserted.

4. (1) For section 62 of the said Act the following shall be substituted, namely:—

“62. (1) Every person licensed under section 9 shall keep in English, or in the vernacular language book and deposit of extracts therefrom with the Registrar General, in ordinary use in the district or State in which the marriage was solemnized, and in such form as the Local Government by which he was licensed may from time to time prescribe, a register-book of all marriages solemnized under this Part in his presence, and shall deposit in the office of the Registrar General of Births, Deaths and Marriages for the territories under the administration of the said Local Government, in such form and at such intervals as that Government may prescribe, true and duly authenticated extracts from his register-book of all entries made therein since the last of those intervals.

“(2) Where the person keeping the register-book was licensed as regards a Native State by the Governor General in Council, references in sub-section (1) to the Local Government therein mentioned shall be read as references to the Local Government to whose Registrar General of Births, Deaths and Marriages certified copies of entries in registers of births and deaths are for the time being required to be sent under section 24, sub-section (2), of the Births, Deaths and Marriages Registration Act, 1886.”

VI of 1886

(2) Clause (c) of section 30 of the Births, Deaths and Marriages Registration Act, 1886, is hereby repealed.

5. For section 66 of the said Act the following shall be substituted, namely:—

“66. Whoever, for the purpose of procuring a marriage or license of marriage, intentionally,—

(a) where an oath or declaration by this Act, or by any rule or custom of a Church according to the rites and ceremonies of which a marriage is intended to be solemnized, such Church being the Church of England or of Scotland or of Rome, makes a false oath or declaration, or,

(b) where a notice or certificate is required by this Act, signs a false notice or certificate,

shall be deemed to have committed the offence punishable under section 193 of the Indian Penal Code with imprisonment of either description for a term which may extend to three years and, at the discretion of the Court, with fine.”

XLV of 1860.

6. For section 68 of the said Act the following shall be substituted, namely:—

“68. Whoever, not being authorized by section 5 of this Act to solemnize marriages, solemnizes or professes to solemnize, in the absence of a Marriage Registrar of the district in which the ceremony takes place, a marriage between persons one or both of whom is or are a Christian or Christians, shall be punished with imprisonment which may extend to ten years, or (in lieu of a

sentence of imprisonment for seven years or upwards) with transportation for a term of not less than seven years, and not exceeding ten years,

or, if the offender is an European or American, with penal servitude according to the provisions of Act XXIV of 1855 (to substitute penal servitude for the punishment of transportation in respect of European and American convicts, and to amend the law relating to the removal of such convicts),

and shall also be liable to fine."

Addition to section 69, Act XV, 1872. 7. To section 69 of the said Act the following shall be added, namely :—

"Nor does this section apply to marriages solemnized by a Clergyman of the Church of Scotland according to the rules, rites, ceremonies and customs of the Church of Scotland."

Amendment of sections 71 and 72, Act XV, 1872. 8. (1) For clause (2) of section 71 of the said Act the following shall be substituted, namely :—

"(2) after the expiration of two months after the copy of the notice has been entered as required by section 40 in respect of

any marriage, solemnizes such marriage;"

(2) In section 72 of the said Act, for the words "three months" the words "two months" shall be substituted.

9. To section 74 of the said Act the following shall be added, namely :—

"Whoever, being licensed to grant certificates of marriage under Part VI of this Act, without just cause refuses, or wilfully neglects or omits, to perform any of the duties imposed upon him by that Part shall be punished with fine which may extend to one hundred rupees."

10. Section 86 of the said Act shall be read as if the words "situate within or bordering on" instead of the words "situate within the local limits of" had been enacted in that section when the Act was passed.

S. HARVEY JAMES,
Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 7, 1891.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General of India for making Laws and Regulations, or Reports of Select Committees presented to the Council.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 6th February, 1891:—

NO. 6 OF 1891.

A Bill to amend the constitution of the Court of the Judicial Commissioner of Oudh, and alter the Law with respect to Second Appeals and other matters in that Province.

WHEREAS it is expedient to amend the constitution of the Court of the Judicial Commissioner of Oudh, and alter the Law with respect to Second Appeals and other matters in that Province; It is hereby enacted as follows:—

Title and commencement. 1. (1) This Act may be called the Oudh Courts Act, 1891.

(2) It extends to all the territories for the time being administered by the Chief Commissioner of Oudh; and

(3) It shall come into force on the first day of April, 1891.

2. Act IV of 1885 (to provide for the temporary appointment from time to time of an Additional Judicial Commissioner for Oudh) is hereby repealed:

But the Additional Judicial Commissioner holding office under that Act immediately before the commencement of this Act shall be deemed to have been appointed under this Act.

3. In this Act the expressions "High Court" and "Chief Justice" mean Definitions. the High Court of Judicature for the North-Western Provinces and the Chief Justice of that Court, respectively.

4. (1) The Local Government, with the previous sanction of the Governor General in Council, shall, by notification in the official Gazette, appoint such person as it thinks fit to be an Additional Judicial Commissioner, and to exercise jurisdiction, as such Additional Judicial Commissioner, in the Court of the Judicial Commissioner of Oudh.

(2) A person so appointed shall hold his office during the pleasure of the Local Government.

5. Subject to the other provisions of this Act, Jurisdiction of Additional Judicial Commissioner. an Additional Judicial Commissioner shall exercise such jurisdiction of the Judicial Commissioner under any enactment for the time being in force as the Local Government may prescribe, but only in such cases as the Judicial Commissioner may direct.

6. Subject as aforesaid, every enactment for Law applicable to the time being applicable to Additional Judicial the Judicial Commissioner shall apply to the Additional Judicial Commissioner when exercising any jurisdiction under the last foregoing section, as if he were the Judicial Commissioner.

7. (1) The Court of the Judicial Commissioner of Oudh, consisting of the Judicial Commissioner and the Additional Judicial Commissioner, shall, for the purpose of section 377 of the Code of Criminal Procedure, 1882, be deemed to be a High Court consisting of two Judges.

(2) When any such case as is referred to in that section of the Code is heard before the Judicial Commissioner and the Additional Judicial Commissioner, and they are divided in opinion, they shall submit the case, with their opinions thereon, to the High Court to be laid before such one of the Judges of that Court as the Chief Justice may appoint.

(3) Such Judge, after such examination and hearing as he thinks fit, shall deliver his opinion in writing and cause a copy thereof under the

signature of the Registrar of the High Court to be transmitted to the Judicial Commissioner, and the Judicial Commissioner and the Additional Judicial Commissioner sitting together shall, on receipt of the copy, proceed to dispose of the case in conformity with the opinion of the Judge of the High Court.

Hearing of other cases by a bench. 8. Any of the following proceedings, namely:—

XIII of 1879
XX of 1890.

- (a) an appeal from an original decree or order of a District Judge or Additional Judge;
- (b) an appeal which, under section 18, sub-section (1), of the Oudh Civil Courts Act, 1879, as amended by the North-Western Provinces and Oudh Act, 1890, lies from a decree or order of a Subordinate Judge to the Judicial Commissioner;
- (c) any other appeal, whether civil or criminal, or any application or other matter, with respect to which appeal, or application or other matter, the Judicial Commissioner or the Additional Judicial Commissioner, as the case may be, before whom it is pending, has certified under his hand that it should in his opinion be heard by two Judges,

shall be heard by the Judicial Commissioner and the Additional Judicial Commissioner sitting together.

9. Whenever in any case before the Judicial Rules in case of difference of opinion. Additional Judicial Commissioner and the Commissioner sitting together, other than a case for which provision is made in section 7 of this Act, a difference of opinion arises, the following rules shall be observed:—

- (a) If the case is a civil case, then, unless the Judicial Commissioner and the Additional Judicial Commissioner concur in a judgment reversing or varying the decree or order under their consideration, such decree or order shall be upheld.

Provided that if the difference of opinion is on a question of law or of custom having the force of law or as to the construction of any document or the admissibility of any evidence, and either the Judicial Commissioner

or the Additional Judicial Commissioner is of opinion that the question should be referred to the High Court, the Judicial Commissioner and the Additional Judicial Commissioner shall jointly state the question and forward such statement, with their respective opinions on the question, to the High Court.

- (b) If the case is a criminal case, then the Judicial Commissioner and the Additional Judicial Commissioner shall jointly state the question as to which they differ, and forward such statement, with their respective opinions on the question, to the High Court.

10. (1) On receiving a statement forwarded Procedure on refer. in any case under the last section under last foregoing section, the High going section. Court, by a bench constituted by two or more Judges as the Chief Justice may determine, shall decide the question referred therein and transmit to the Judicial Commissioner a copy of its judgment under the signature of its Registrar, and the Judicial Commissioner and the Additional Judicial Commissioner sitting together shall, on receipt of the copy, proceed to dispose of the case in conformity with the decision of the High Court.

(2) It shall not be necessary for any party to the case to be present in the High Court, either personally or otherwise, when the question referred comes before that Court for decision.

(3) The costs, if any, consequent on the statement of the question for the decision of the High Court shall be costs in the case.

II. (1) Section 21 of the Oudh Civil Courts Repeal of, and amendment of, certain portions of Act, 1879, respecting the admission of second appeals in certain cases by the Judicial Commissioner, is hereby repealed.

(2) The following portions of that Act are also hereby repealed, namely, section 2; the proviso to section 6; section 22; section 25; section 26; section 39; and the schedule.

(3) For the words which follow the expression "Local Government" in the last paragraph of section 23 of the same Act the following shall be substituted, namely:—

"which may transfer the case for disposal to the High Court of Judicature for the North-Western Provinces or to the Additional Judicial Commissioner."

STATEMENT OF OBJECTS AND REASONS.

IT has been determined that there shall be an Additional Judicial Commissioner exercising jurisdiction in the Court of the Judicial Commissioner of Oudh. It is considered desirable that the Judicial Commissioner and the Additional Judicial Commissioner should sit together for the hearing of certain cases, and that, where in any such case there is a difference of opinion, the assistance of the High Court of Judicature for the North-Western Provinces should be made available. It is intended by this Bill to secure these objects.

In other respects the Bill only affects to free the Oudh Code, which is soon to be republished, of certain matter which appears to be superfluous.

The 6th February, 1891.

ANDREW R. SCOBLE.

S. HARVEY JAMES,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 6th February, 1891:—

NO. 7 OF 1891.

A Bill to amend the Law of Evidence with respect to Bankers' Books.

WHEREAS it is expedient to amend the Law of Evidence with respect to Bankers' Books; It is hereby enacted as follows:—

1. (1) This Act may be Title, extent and called the Bankers' Books commencement. Evidence Act, 1891.

(2) It extends to the whole of British India; and

(3) It shall come into force at once.

2. In this Act, unless there is something repugnant in the subject or Definitions. context,—

(1) "company" means a company registered under any of the enactments relating to companies from time to time in force in British India, or formed in pursuance of an Act of Parliament or by Royal Charter or Letters Patent:

(2) "bank" and "banker" mean any company carrying on the business of bankers and include a Government Savings Bank:

(3) "bankers' books" includes ledgers, day-books, cash-books, account-books and all other books used in the ordinary business of a bank:

(4) "legal proceeding" means any civil or criminal proceeding or inquiry in which evidence is or may be given, and includes an arbitration:

(5) "Court" means the person or persons before whom a legal proceeding is held or taken: and

(6) "Judge" means a Judge of a High Court.

3. Subject to the provisions of this Act, a Mode of proof of entries in bankers' books. copy of any entry in a banker's book shall in all legal proceedings be received as *prima facie* evidence of such entry and of the matters, transactions and accounts therein recorded.

4. (1) A copy of an entry in a banker's book Proof of book being shall not be received in a banker's book. evidence under this Act unless it be first proved that the book was at the time of the making of the entry one of the ordinary books of the bank and that the entry was made in the usual and ordinary course of business and that the book is in the custody or control of the bank.

(2) Such proof may be given by an officer of the bank and may be given orally or by an affidavit sworn before any commissioner or person authorized to take affidavits.

5. (1) A copy of an entry in a banker's book Verification of copy. shall not be received in evidence under this Act, unless it be further proved that the copy has been examined with the original entry and is correct.

(2) Such proof shall be given by some person who has examined the copy with the original entry, and may be given either orally or by an affidavit sworn before any commissioner or person authorised to take affidavits.

6. An officer of a bank shall not in any legal Case in which officer proceedings to which the of bank not compellable bank is not a party be to produce books compellable to produce any banker's book the contents of which can be proved under this Act, or to appear as a witness to prove the matters, transactions and accounts therein recorded, unless by order of a Judge made for special cause.

7. (1) On the application of any party to a Inspection of books legal proceeding the Court by order of Court or or a Judge may order that Judge. such party be at liberty to inspect and take copies of any entries in a banker's book for any of the purposes of such proceeding.

(2) An order under this section may be made either with or without summoning the bank or any other party, and shall be served on the bank three clear days before the same is to be obeyed, unless the Court or Judge otherwise directs.

8. (1) The costs of any application to the Costs. Court or a Judge under or for the purposes of this Act and the costs of anything done or to be done under an order of the Court or a Judge made under or for the purposes of this Act shall be in the discretion of the Court or Judge, who may order the same or any part thereof to be paid to any party by the bank where the same have been occasioned by any fault or delay on the part of the bank.

(2) Any such order against a bank may be enforced as if the bank was a party to the proceeding.

(3) An order under this section awarding costs to a party may, on the application of the party to any Court of Civil Judicature designated in the order, be executed by such Court as if the order were a decree for money passed by itself:

Provided that nothing in this sub-section shall be construed to derogate from any power which the Court or Judge making the order may possess for the enforcement of its or his directions with respect to the payment of costs.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to apply to British India the provisions of the English Bankers' Books Evidence Act, 1879, under which copies of entries in bankers' books are made receivable in evidence under certain conditions.

The 6th February, 1891.

ANDREW R. SCOBLE,

S. HARVEY JAMES,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend the Indian Evidence Act, 1872, and the Code of Criminal Procedure, 1882, was presented to the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 6th February, 1891:—

We, the undersigned, Members of the Select Committee to which the Bill to amend

From District and Sessions Judge, Fatehgarh, dated 7th July, 1890 [Paper No. 1].
From Officiating Registrar, High Court, Calcutta, No. 2840, dated 16th September, 1890 [Paper No. 2].

From Officiating Secretary to Chief Commissioner, Assam, No. 4003 J., dated 21st September, 1890, and enclosures [Papers No. 3].

Endorsement by Officiating Deputy Secretary to Government of India, Foreign Department, No. 2313 E., dated 28th October, 1890, and enclosure [Papers No. 4].

From Chief Secretary to Government, Madras, No. 1745, dated 7th November, 1890, and enclosures [Papers No. 5].

From Officiating Secretary to Chief Commissioner, Burma, No. 94-4 L, dated 5th November, 1890 and enclosures [Papers No. 6].

From Secretary to Chief Commissioner, Coorg, No. 1730-158-90, dated 5th November, 1890 [Paper No. 7].

From Officiating Junior Secretary to Government, Punjab, No. 989, dated 10th November, 1890, and enclosures [Papers No. 8].

From Chief Commissioner, Ajmere-Merwara, No. 92 C, dated 27th November, 1890, and enclosures [Papers No. 9].

From Chief Secretary to Government, Bengal, No. J. 24-A-2-27, dated 2nd December, 1890, and enclosures [Papers No. 10].

From Secretary for Berar to Resident, Hyderabad, No. 405, dated 1st December, 1890, and enclosures [Papers No. 11].

From Secretary to Government, Bombay, No. 6800, dated 5th December, 1890, and enclosures [Papers No. 12].

From Officiating Secretary to Chief Commissioner, Central Provinces, No. C.—12, dated 17th January, 1891, and enclosure [Papers No. 13].

the Indian Evidence Act, 1872, and the Code of Criminal Procedure, 1882, was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as revised by us annexed thereto.

2. We generally approve the Bill as introduced; but

we consider the object can be attained by adding to section 14 of the Indian Evidence Act, 1872, an *Explanation* suggested to us by the High Court of Judicature at Fort William.

3. As regards section 3 of the Bill, we consider it desirable to indicate more particularly the classes of persons exercising magisterial functions who are not to be held to be Magistrates for the purpose of section 26 of the Indian Evidence Act, 1872.

4. We have added to the Bill a clause to remove a difficulty which has been experienced in the construction of the words "for the same offence" in section 30 of the same Act.

5. The publication ordered by the Council has been made as follows:—

In English.

Gazette.	Date.
Gazette of India	5th July, 1890.
Fort Saint George Gazette	29th July, 1890.
Bombay Government Gazette	10th July, 1890.
Calcutta Gazette	16th July, 1890.
North-Western Provinces and Oudh Government Gazette	12th July, 1890.
Punjab Government Gazette	10th July, 1890.
Central Provinces Gazette	19th July, 1890.
Burma Gazette	26th July, 1890.
Assam Gazette	26th July, 1890.
Coorg District Gazette	1st August, 1890.

In the Vernaculars.

Province.	Language.	*Date.
Bombay	Marathi	11th September, 1890.
	Gujarathi	11th September, 1890.
	Kanarese	11th September, 1890.
Bengal	Urdu	7th August, 1890.
	Bengali	12th August, 1890.
	Hindi	30th September, 1890.
North-Western Provinces and Oudh	Urdu	11th October, 1890.
Punjab	Urdu	9th October, 1890.
Burma	Burmese	9th August, 1890.
Assam	Bengali	30th August, 1890.

6. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

ANDREW R. SCOBLE.
PHIL. P. HUTCHINS.
ROMESH CHUNDER MITTER.

No. II.

Bill to amend the Indian Evidence Act, 1872, and the Code of Criminal Procedure, 1882.

I of 1872. WHEREAS it is expedient to amend the Indian Evidence Act, 1872, and the Code of Criminal Procedure, 1882; it is hereby enacted as follows:—

X of 1882.

Indian Evidence Act, 1872.

I. (1) For the *Explanation* to section 14 of the Amendment of sec. Indian Evidence Act, 1872, section 14, Act I, 1872 the following shall be substituted, namely:—

Explanation 1.—A fact relevant as showing the existence of a relevant state of mind must show that the state of mind exists, not generally, but in reference to the particular matter in question.

Explanation 2.—But where, upon the trial of a person accused of an offence, the previous commission by the accused of an offence is relevant within the meaning of this section, the previous conviction of such person shall also be a relevant fact."

(2) For *Illustration (b)* to the same section the following shall be substituted, namely:—

"(b) *A* is accused of fraudulently delivering to another person a counterfeit coin which, at the time when he delivered it, he knew to be counterfeit."

The fact that, at the time of its delivery, *A* was possessed of a number of other pieces of counterfeit coin is relevant.

The fact that *A* had been previously convicted of delivering to another person as genuine a counterfeit coin knowing it to be counterfeit is relevant."

2. In section 15 of the said Act, after the Amendment of sec. word "intentional," there shall be inserted the words section 15, Act I, 1872. "or done with a particular knowledge or intention."

3. To section 26 of the said Act the following shall be added, namely:—

Explanation.—In this section 'Magistrate' does not include the head of a village discharging magisterial functions in the Presidency of Fort St. George or in Burma or elsewhere, unless such headman is a Magistrate exercising the powers of a Magistrate under the Code of Criminal Procedure, 1882.

4. In section 30 of the said Act, immediately before the *Illustrations* to section 30, Act I, 1872, the following shall be inserted, namely:—

Explanation.—'Offence,' as used in this section, includes the abetment of, or attempt to commit, the offence."

5. (1) To section 43 of the said Act the following shall be added, namely:—

"(e) *A* is charged with theft and with having been previously convicted of theft. The previous conviction is relevant as a fact in issue."

"(f) *A* is tried for the murder of *B*. The fact that *B* prosecuted *A* for libel and that *A* was convicted and sentenced is relevant under section 8 as showing the motive for the fact in issue."

Substitution of new section for section 54, the said Act the following shall be substituted, namely:—

"54. In criminal proceedings the fact that the accused person has a previous bad character is irrelevant, except in reply, unless evidence has been given that he has a good character, in which case it becomes relevant."

Explanation 1.—This section does not apply to cases in which the bad character of any person is itself a fact in issue.

Explanation 2.—A previous conviction is relevant as evidence of bad character."

7. In the *Explanation* to section 55, after the Amendment of expla- word "but" there shall be nation to section 55, inserted the words and Act I, 1872. figures "except as pro- vided in section 54".

8. In section 86 of the said Act, for the words Amendment of, and "resident in" the words addition to, section 86, "in or for" shall be substituted, and to the same section the following shall be added, namely:—

"An officer who, with respect to any territory or place not forming part of Her Majesty's dominions, is a Political Agent theretofore, as defined in section 3 of the Foreign Jurisdiction and Extradition Act, 1879, and section 190 of XXI of 1879 the Code of Criminal Procedure, 1882, shall, for the purposes of this section, be deemed to be a representative of the Government of India in and for the country comprising that territory or place."

Code of Criminal Procedure, 1882.

9. To section 310 of the Code of Criminal Procedure, 1882, the following shall be added, namely:—

"Notwithstanding anything in this section, evidence of the previous conviction may be given at the trial for the subsequent offence, if the fact of the previous conviction is relevant under the provisions of the Indian Evidence Act, 1872."

S. HARVEY JAMES,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend the Code of Criminal Procedure, 1882, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 6th February, 1891:—

WE, the undersigned, Members of the Select Committee to which the Bill to amend

Memorandum by Mr. P. R. Desai, Pleader, District Court, Ratnagiri, dated 22nd October, 1890 [Paper No. 1].

From Secretary to Chief Commissioner, Coorg, No. 1775—209-90, dated 17th November, 1890 [Paper No. 2].

From Agent to Governor General in Baluchistan, No. 6493, dated 5th December, 1890 [Paper No. 3].

From Officiating Secretary to Chief Commissioner, Assam, No. 5044 S., dated 8th December, 1890, and enclosures [Papers No. 4].

From Chief Secretary to Government, Bengal, No. 2 J., dated 2nd January, 1891, and enclosures [Papers No. 5].

From Officiating Secretary to Chief Commissioner, Burma, No. 803—6 L., dated 19th December, 1890, and enclosures [Papers No. 6].

From Chief Commissioner, Ajmere-Merwara, No. 160 C., dated 20th December, 1890, and enclosure [Papers No. 7].

From Secretary for Berar to Resident, Hyderabad, No. 429, dated 19th December, 1890, and enclosures [Papers No. 8].

From Officiating Secretary to Chief Commissioner, Central Provinces, No. C.—124, dated 27th December, 1890, and enclosure [Papers No. 9].

From Chief Secretary to Government, Madras, No. 2093, dated 29th December, 1890, and enclosures [Papers No. 10].

From Chief Secretary to Government, Bengal, No. J.—1, dated 11th January, 1891, and enclosures [Papers No. 11].

From Secretary to Government, Bombay, No. 34, dated 6th January, 1891, and enclosures [Papers No. 12].

From Officiating Junior Secretary to Government, Punjab, No. 1113, dated 24th December, 1890, and enclosures, from ditto, No. 21, dated 10th January, 1891, and enclosures [Papers No. 13].

From Registrar, High Court, Calcutta, No. 357, dated 26th January, 1891 [Paper No. 14]. We have considered it desirable to propose that new section 560 of the Code of Criminal Procedure be made applicable to all cases except such as are triable exclusively by a Court of Session or High Court.

3. The balance of opinion is so strongly against the retention of clause (a) of the provisos to the proposed section 560, sub-section (1), that we advise its omission.

4. The publication ordered by the Council has been made as follows:—

In English.

Gazette.	Date.
Gazette of India	4th October, 1890.
Fort Saint George Gazette	18th November, 1890.
Bombay Government Gazette	9th October, 1890.
Calcutta Gazette	15th October, 1890.
North-Western Provinces and Oudh Government Gazette	11th October, 1890.
Punjab Government Gazette	9th October, 1890.
Central Provinces Gazette	11th October, 1890.
Burma Gazette	25th October, 1890.
Assam Gazette	25th October, 1890.
Coorg District Gazette	1st November, 1890.

In the Vernaculars.

Province.	Language.	Date.
Bombay	Marathi	27th November, 1890.
	Gujarathi	27th November, 1890.
	Kanarese	27th November, 1890.
Bengal	Urja	13th November, 1890.
	Bengali	25th November, 1890.
	Hindi	25th November, 1890.
North-Western Provinces and Oudh	Urdu	27th December, 1890.
Burma	Burmese	8th November, 1890.
Assam	Bengali	13th December, 1890.

5. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

ANDREW R. SCOBLE.
PHIL. P. HUTCHINS.
ROMESH CHUNDER MITTER.
J. NUGENT.

The 6th February, 1891.

No. II.

A Bill to amend the Code of Criminal Procedure, 1882.

X of 1882. WHEREAS it is expedient to amend the Code of Criminal Procedure, 1882, It is hereby enacted as follows:—

Repeal of section 250, Act X, 1882.

Enactment of new section in place of repealed section 250, Act X, 1882.

"560. (1) If, in any case instituted by frivolous or vexatious complaint as defined in this accusations, Code, or upon information given to a police-officer or to a Magistrate, a person is accused before a Magistrate of any offence triable by a Magistrate, and the Magistrate by whom the case is tried discharges or acquits the accused and is satisfied that the accusation against him was frivolous or vexatious, the Magistrate may, in his discretion, by his order of discharge or acquittal, direct the person upon whose complaint or information the accusation was made to pay to the accused, or to each of the accused where there are more than one, such compensation, not exceeding fifty rupees, as the Magistrate thinks fit:

Provided that, before making any such direction, the Magistrate shall—

(a) record and consider any objection which the complainant or informant may urge against the making of the direction, and,

(b) if the Magistrate directs any compensation to be paid, state in writing, in his

1. Section 250 of the said Code is hereby repealed.

2. To the said Code the following shall be added, namely:—

order of discharge or acquittal, his reasons for awarding the compensation.

(2) Compensation of which a Magistrate has ordered payment under sub-section (1) shall be recoverable as if it were a fine:

Provided that, if it cannot be recovered, the imprisonment to be awarded shall be simple, and for such term, not exceeding thirty days, as the Magistrate directs.

(3) A complainant or informant who has been ordered under sub-section (1) by a Magistrate of the second or third class to pay compensation to an accused person may appeal from the order, in so far as the order relates to the payment of the compensation, as if such complainant or informant had been convicted on a trial held by such Magistrate.

(4) Where an order for payment of compensation to an accused person is made in a case which is subject to appeal under sub-section (3), the compensation shall not be paid to him before the period allowed for the presentation of the appeal has elapsed, or, if an appeal is presented, before the appeal has been decided.

(5) At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any compensation paid or recovered under this section."

3. The words "or complained against" in the second paragraph of Repeal of part of section 552, Act X, 1882. section 552 of the said Code are hereby repealed.

S HARVEY JAMES,
Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 21, 1891.

¶ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General of India for making Laws and Regulations, or Reports of Select Committees presented to the Council.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend the Indian Merchandise Marks Act, 1889, and the Sea Customs Act, 1878, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th February, 1891:—

WE, the undersigned, Members of the Select Committee to which the Bill to amend the

Telegram from Resident, Hyderabad, dated 24th January, 1891 [Paper No. 1].
From Secretary to Chief Commissioner, Coorg, No. 132, dated 20th January, 1891 [Paper No. 2].

From Babu Kanya Lall Mukerji, Calcutta, dated 30th January, 1891 [Paper No. 3].

From Registrar, High Court, Calcutta, No. 273, dated 2nd February, 1891 [Paper No. 4].

From Agent to Governor General in Baluchistan, No. 574, dated 29th January, 1891 [Paper No. 5].

From Chief Commissioner, Ajmere-Merwara, No. 255C, dated 30th January, 1891 [Paper No. 6].

From Secretary to Government, Bengal, No. 657, dated 30th January, 1891, and enclosures [Papers No. 7].

From Secretary to Chief Commissioner, Burma, No. 481—5C, dated 31st January, 1891 [Paper No. 8].

Telegram from Chief Commissioner, Central Provinces, dated 6th February, 1891 [Paper No. 9].

From Secretary to Chief Commissioner, Assam, No. 398J, dated 3rd February, 1891 [Paper No. 10].

From Officiating Junior Secretary to Government, Punjab, No. 167, dated 5th February, 1891, and enclosures [Papers No. 11].

From Acting Chief Secretary to Government, Bombay, No. 1035, dated 7th February, 1891, and enclosures [Papers No. 12].

From Secretary to Government, North-Western Provinces and Oudh, No. 367—VI-343, dated 11th February, 1891, and enclosures [Papers No. 13].

From Chief Secretary to Government, Madras, No. 267, dated 10th February, 1891, and enclosures [Papers No. 14].

Indian Merchandise Marks Act, 1889, and the Sea Customs Act, 1878, were referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as revised by us annexed thereto.

2. We consider the Bill to be open to no objection so far

in thinking that

as it goes. But we concur with the Karachi Chamber of Commerce in thinking that a clause in the terms of section 11 of the English Merchandise Marks Act, 1887 (50 & 51 Vict., c. 28) should be added to the Bill. We have proposed the addition of such a clause.

3. The publication ordered by the Council has been made as follows:—

In English.

Gazette.

<i>Gazette.</i>	<i>Date.</i>
Gazette of India	20th January, 1891.
Fort Saint George Gazette	27th January, 1891.
Bombay Government Gazette	15th January, 1891.
Calcutta Gazette	14th January, 1891.
North-Western Provinces and Oudh Government Gazette	17th January, 1891.
Punjab Government Gazette	22nd January, 1891.
Central Provinces Gazette	17th January, 1891.
Burma Gazette	24th January, 1891.
Assam Gazette	24th January, 1891.
Coorg District Gazette	2nd February, 1891.
Sindhi Official Gazette	29th January, 1891.

In the Vernaculars.

<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
Bombay	Kanarese	24th January, 1891.
	Marathi	28th January, 1891.
	Gujarathi	28th January, 1891.
Bengal	Bengali	20th January, 1891.
	Sindhi	30th January, 1891.

4. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

ANDREW R. SCOBLE.
PHIL. P. HUTCHINS.
H. W. BLISS.
J. NUGENT.
JAS. L. MACKAY.

The 20th February, 1891.

No. II.

A Bill to amend the Indian Merchandise Marks Act, 1889, and the Sea Customs Act, 1878.

IV of 1889. WHEREAS it is expedient to amend the Indian Merchandise Marks Act, 1889, and the Sea Customs Act, 1878; It is hereby enacted as follows:—

1. In section 1, sub-section (2), of the Indian Merchandise Marks Act, 1889, the words "subject to the provision of the last section of this Act" are hereby repealed.

IV of 1889. 2. Section 19 of the Indian Merchandise Marks Act, 1889, and the words "Transitory Provision" prefixed to the section, are hereby repealed.

VIII of 1878. 3. In clause (e), sub-clause (ii), of section 18 of the Indian Merchandise Marks Act, 1889, as amended by section 18 (e) (ii), Act 1878, as amended by section 10, sub-section (1), of the Indian Merchandise Marks Act, 1889, for the words "that place and the country in which it is situated are" the words "the country in which that place is situated is" shall be substituted.

IV of 1889. 4. After section 18 of the Indian Merchandise Marks Act, 1889, as amended by this Act, the following shall be added, namely:—

VIII of 1878. "19. For the purposes of section 12 of this Act, and clause (f) of section 18 of the Sea Customs Act, 1878, as amended by this Act, the Governor General in Council may, by notification in the Gazette of India, declare what classes of goods are included in the expression 'piece-goods, such as are ordinarily sold by length or by the piece.'

"20. (1) The Governor General in Council may make rules, for the purposes of this Act, to provide, with respect to any goods which purport or are alleged to be of uniform number, quantity, measure, gauge or weight, for the number of samples to be selected and tested and for the selection of the samples.

"(2) With respect to any goods for the selection and testing of samples of which provision is not made in any rules for the time being in force under sub-section (1), the Court or officer of customs, as the case may be, having occasion to ascertain the number, quantity, measure, gauge or weight of the goods shall, by order in writing, determine the number of

samples to be selected and tested and the manner in which the samples are to be selected.

"(3) The average of the results of the testing in pursuance of rules under sub-section (1) or of an order under sub-section (2) shall be *prima facie* evidence of the number, quantity, measure, gauge or weight, as the case may be, of the goods.

"(4) If a person having any claim to, or in relation to, any goods of which samples have been selected and tested in pursuance of rules under sub-section (1) or of an order under sub-section (2) desires that any further samples of the goods be selected and tested, they shall, on his written application and on the payment in advance by him to the Court or officer of customs, as the case may be, of such sums for defraying the cost of the further selection and testing as the Court or officer may from time to time require, be selected and tested to such extent as may be permitted by rules to be made by the Governor General in Council in this behalf or as, in the case of goods with respect to which provision is not made in such rules, the Court or officer of customs may determine in the circumstances to be reasonable, the samples being selected in manner prescribed under sub-section (1), or in sub-section (2), as the case may be.

"(5) The average of the results of the testing referred to in sub-section (3) and of the further testing under sub-section (4) shall be conclusive proof of the number, quantity, measure, gauge or weight, as the case may be, of the goods.

"(6) Rules under this section shall be made after previous publication.

"21. An officer of the Government whose information as to duty it is to take part in commission of offences. the enforcement of this Act shall not be compelled in any Court to say whence he got any information as to the commission of any offence against this Act.

"22. If any person, being within British India, abets the commission, with intent in India of acts out British India, of any act which, if committed in British India, would under this Act, or under any section of that part of Chapter XVIII of the Indian Penal Code which relates to trade, property and other marks, be an offence, he may be tried for such abetment in any place in British India in which he may be found, and be punished therefor with the punishment to which he would be liable if he had himself committed in that place the act which he abetted."

S. HARVEY JAMES,
Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, FEBRUARY 28, 1891.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General of India for making Laws and Regulations, or Reports of Select Committees presented to the Council.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend Acts I of 1859, VII of 1880 and V of 1883 was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 27th February, 1891.—

WE, the undersigned, Members of the Select Committee to which the Bill to amend

Office Memorandum from Government of India, Finance and Commerce Department, No 732, dated 11th February, 1890, and enclosures [Papers No 1].
From Under Secretary to Government, Bengal, No 676 Marine, dated 8th March, 1890, and enclosures [Papers No 2].
From Registrar, High Court, Calcutta, No. 621, dated 14th March, 1890 [Paper No. 3].
Telegram from Secretary to Chief Commissioner, Burma, No 157, dated 19th March, 1890 [Paper No. 4].
From Under Secretary to Government, Bengal, No. 750, dated 14th March, 1890, and enclosures [Papers No 5].
Resolution by Government, Bombay, Marine Department, No. 76, dated 14th March, 1890 [Paper No 6].
From Under Secretary to Government, Bengal, No. 790 Marine, dated 19th March, 1890, and enclosure [Papers No. 7].
From Secretary to Government, Bengal, Public Works Department, No 828 Marine, dated 24th March, 1890, and enclosures [Papers No 8].
From Acting Chief Secretary to Government, Madras, No. 532, dated 21st March, 1890, and enclosure [Papers No. 9].
Resolution by Government, Bombay, Marine Department, No. 88, dated 25th March, 1890, and enclosures [Papers No. 10].
From Messrs. Mackinnon, Mackenzie & Co., Managing Agents, British India Steam Navigation Company, Limited, No. S-283, dated 25th November, 1890 [Paper No. 11].

proposed to add to section 32 of Act I of 1859 a clause generally following the Statute 35 & 36 Vict., c 73, s. 16, with respect to time-agreements with seamen of home-trade ships.

3. *Section 5 of Bill as revised.*—By the definitions of "home-trade ship" and "foreign-going ship" in section 118 of Act I of 1859, we have proposed to place the Straits Settlements in the position which they occupied before the passing of the Statute 29 & 30 Vict., c. 115 (*an Act to provide for the government of the Straits Settlements*).

4. *Section 6 of Bill as revised.*—We have added to section 72 of the Indian Merchant Shipping Act, 1880, a clause saving the arrangements to which India has acceded respecting the disposal of the proceeds of wrecks belonging to subjects of the Government of the French Republic.

5. *Section 9 of Bill as revised.*—We consider it desirable that the Magistrate or other officer whose duty it is to report casualties to the Local Government should have the powers of an Inspector under section 15 of the Merchant Shipping Act, 1854.

6. We have considered the provisions of English law regarding the award of costs by Courts making investigations with respect to casualties. We are of opinion that in this matter the existing law in India should remain undisturbed.

2. Section 3 of Bill as revised.—We have

7. The publication ordered by the Council has been made as follows:—

In English.

<i>Gazette.</i>	<i>Date.</i>
Gazette of India	15th February, 1890.
Fort Saint George Gazette	1st April, 1890.
Bombay Government Gazette	20th February, 1890.
Calcutta Gazette	19th February, 1890.
Burma Gazette	1st March, 1890.

In the Vernaculars.

<i>Province.</i>	<i>Language.</i>	<i>Date</i>
Bombay	Marathi	18th March, 1890.
Burma	Gujarathi	18th March, 1890.
	Burmese	8th March, 1890.

8. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

H. W. BLISS.
ANDREW R. SCOBLE.
PHIL. P. HUTCHINS.
D. BARBOUR.
F. M. HALLIDAY.
J. NUGENT.
JAS. L. MACKAY.

The 27th February, 1891.

No. II.

A Bill to amend certain Acts respecting Indian Merchant Shipping.

WHEREAS it is expedient to amend certain Acts respecting Indian Merchant Shipping; It is hereby enacted as follows:—

Act I of 1859.

1. (1) In clause 1 of section 12 of Act I of Amendment of sec- 1859, for the words "or tion 12, Act I, 1859. any higher rank in the service of Her Majesty or of the East India Company" the following words shall be substituted, namely:—

"or any corresponding or higher rank in the service of Her Majesty or the rank of commander or first grade officer in the Indian Marine Service".

(2) In clause 2 of the same section, after the words "any such ship as aforesaid," the following words shall be inserted, namely:—

"or who has attained or shall attain the rank of second grade officer in the Indian Marine Service".

Addition of section after section 24, Act I, 1859. 2. After section 24 of the same Act the following shall be inserted, namely:—

Renewal of running agreements in certain cases. "24A. (1) When a running agreement with the crew of a foreign-going ship has been made under section 23 and the ship arrives after the next following thirtieth day of June or thirty-first day of December at a port of destination in India which is not the port at which the crew have agreed to be discharged, the master may, with the previous sanction of the shipping-master, renew the agreement with the crew, or may be required by the shipping-master so to renew the agreement, for the voyage from such port of destination to the port in India at which the crew have agreed to be discharged.

"(2) If the master of the ship is required by the shipping-master to renew the agreement as aforesaid and refuses so to renew it, any expenses which may be incurred by the Government for the subsistence of the crew and their conveyance to the port at which they have agreed to be discharged shall be a charge upon the ship, and shall be recoverable as if they were expenses incurred in respect of distressed seamen under the provisions of Chapter III of the Indian Merchant Shipping Act, 1880."

Addition to section 32, Act I, 1859. 3. To section 32 of the same Act the following shall be added, namely:—

"Notwithstanding anything in this section or in any other enactment for the time being in force, the owner of home-trade ships or his agent may enter into time-agreements, in forms to be sanctioned by the Governor General in Council, with individual seamen to serve in any one or more ships belonging to him, which agreements need not expire on either the thirtieth day of June or the thirty-first day of December."

4. To section 115 of the same Act the following shall be added, Amendment of sec- namely:—

"and for the repayment to the Secretary of State for India in Council of all expenses which may be incurred by the Government in respect of any such lascar or other native seaman who may be discharged or left behind at any port out of India and becomes distressed and is relieved under the provisions of the Merchant Shipping Act, 1854, section 17 & 18 Vict., c. 104, and the enactments amending the same."

5. Section 118 of the same Act shall be modified as follows, modification of sec- tion 118, Act I, 1859. namely:—

(1) in the definition of "home-trade ship" the words "or in the Straits Settlements" shall be inserted between the words "on the Continent of India" and the words "or in the Island of Ceylon," and

(2) in the definition of "foreign-going ship" the words "nor in the Straits Settlements" shall be inserted between the words "nor on the Continent of India" and the words "nor in the Island of Ceylon."

The Indian Merchant Shipping Act, 1880.

6. For section 72 of the Indian Merchant Substitution of new section for section 72, Act VII, 1880. Shipping Act, 1880, the following shall be substituted, namely:—

Savings. "72. But nothing in this Chapter shall be deemed to—

(a) affect the declaration of the twenty-third day of October, 1889, in the schedule to this Act, between the Government of the United Kingdom of Great Britain and Ireland and the Government of the French Republic, with reference to the disposal of the proceeds of wrecks on their respective coasts, that declaration having been made applicable to India, or

(b) affect section 29 of the Indian Ports Act, 1889, or entitle any person to salvage in respect of any property recovered X of 1889.

by creeping or sweeping in contravention of that section."

7. In section 74 of the same Act, after the Amendment of sec. words "so appointed" the section 74, Act VII, 1880. words "or bringing within such limits any wreck which has been found and taken possession of elsewhere" shall be inserted.

8. To the same Act the schedule in the Addition of schedule schedule to this Act shall to Act VII, 1880. be added.

The Indian Merchant Shipping Act, 1883.

V of 1883. Amendment of sec. 9. To section 6 of the

Indian Merchant Shipping Act, 1883, the following shall be added, namely:—

"(4) The Magistrate or other officer whose duty it is under sub-section (1) to report to the Local Government such information as is referred to in that sub-section shall be deemed to be a public servant, and shall have all the powers which an inspector appointed under section 14 of the Merchant Shipping Act, 1854, has under clauses (1) to (5) of section 15 of that Act, that is to say:—

(1) he may go on board any ship, and may inspect the same or any part thereof, or any of the machinery, boats equipments or articles on board thereof, to which the provisions of this Act apply, not unnecessarily detaining or delaying her from proceeding on any voyage:

(2) he may enter and inspect any premises the entry or inspection of which appears to him to be requisite for the purpose of the report which he is directed to make:

(3) he may, by summons under his hand, require the attendance of all such persons as he thinks fit to call before him and examine for such purpose, and may require answers or returns to any inquiries he thinks fit to make:

(4) he may require and enforce the production of all books, papers or documents which he considers important for such purpose:

(5) he may administer oaths, or may, in lieu of requiring or administering an oath, require any person examined by him to make and subscribe a declaration of the truth of the statements made by him in his examination:

"(5) The word 'coasts' in this section includes the coasts of creeks and tidal rivers."

10. For sub-section (1) of section 7 of the New sub-section sub- same Act the following substituted for sub-section shall be substituted, name- (1) of section 7, Act ly:—

"(1) If the Local Government to which the Power for Local Gov- report prescribed by the last foregoing section has ernment to appoint special Court of Investi- been made or within gation. whose territories any com-

petent witnesses of any such loss, abandonment, stranding, damage or casualty as is described in clause (a), (b), (c) or (d) of sub-section (1) of the same section have arrived or are to be found or any evidence of such supposed loss as is described in clause (e) of the same sub-section can be obtained, is of opinion that a formal investigation into the facts mentioned in any of the said clauses is requisite or expedient, such Local Government may appoint a special Court, consisting of not less than two nor more than four persons, and direct that Court to make the investigation, and may fix the place for making the same."

11. In section 8 of the same Act, after the Amendment of sec. words "Local Govern- section 8, Act V, 1883. ment" the words "or by such officer as the Local Government has em- powered in this behalf" shall be inserted.

12. In section 20 of the same Act, clause (a) Amendment of sec. and the proviso shall be section 20, Act V, 1883. repealed.

Addition of section after section 24, Act V, 1883. 13. After section 24 of the same Act the following shall be added, namely:—

"24A. (1) Notwithstanding anything in the Power to Court to foregoing provisions of this suspend or cancel cer- Act, a certificate (whether tificate, granted by of competency or service) Local Government. which has been granted by any Local Government to a master, mate or engineer, but has not been granted under the provisions of the Merchant Shipping (Colonial) 32 Vict., Act, 1869, or of any Order in Council under the 11. said Act, may, if a Court conducting an investigation under this Act finds that the loss, stranding or abandonment of or damage to any ship, or loss of life, has been caused by the wrongful act or default of the master, mate or engineer, or that he is incompetent or has been guilty of any gross act of drunkenness, tyranny or other misconduct, be cancelled or suspended by the Court:

"Provided that the Court shall not cancel or suspend a certificate unless the holder of the certificate was furnished before the commencement of the investigation with the copy of the report or statement required by section 9 or section 10, as the case may be.

"(2) At the conclusion of the investigation, or as soon afterwards as possible, the Court shall state in open sitting the decision to which it may have come with respect to the cancellation or suspension of any certificate.

"(3) A master, mate or engineer whose certificate has been cancelled or suspended by the Court shall deliver the certificate to the Court, and the Court shall forward it to the Local Government together with the report which it is required by section 17, sub-section (1), to transmit to that Government.

"(4) A master, mate or engineer failing to deliver a certificate as required by sub-section (3) shall be punished with fine which may extend to five hundred rupees.

"(5) The duties imposed and powers conferred by sections 22, 23 and 24 on the Local Government which cancels or suspends a certificate shall, when a Court has under this section cancelled or suspended a certificate, be performed and exercised by the Local Government to which the Court has forwarded the certificate under sub-section (3), as if such Local Government had itself cancelled or suspended the certificate under section 20."

Supplemental.

14. (1) When the certificate of a master, General provision mate, engineer or engineer-
with respect to surren- driver is cancelled or sus-
der of certificates. pended under any law for
the time being in force, he shall deliver to the
Court or person entitled to receive delivery
from him of such cancelled or suspended cer-
tificate every other certificate, if any, held by
him which has been granted to him under any
17 & 18 Vict., c. 104, &c. of the Merchant Shipping Acts, 1854 to 1889
or to which the provisions of any such Act have
been made applicable under the Merchant Ship-
ping (Colonial) Act, 1869, or which has been
32 Vict., c. 11. granted to him by any Local Government in
British India.

(2) If any master, mate, engineer or engine-
driver fails to comply with the requirement of
sub-section (1), he shall be punished with fine
which may extend to five hundred rupees.

—

THE SCHEDULE.

(See section 8.)

THE SCHEDULE.

(See section 72.)

Declaration between the Government of the United Kingdom of Great Britain and Ireland and the Government of the French Republic, with reference to the disposal of the Proceeds of Wrecks on their respective Coasts.

The Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and the Government of the French Republic, desiring to regulate by a new Agreement questions relative to the disposal of the proceeds of wrecks on the coasts of the two States, have agreed to replace the Declaration signed at London on the 16th June, 1879, by the following arrangements:—

ARTICLE I.

When any ship belonging to the subjects of one of the two Contracting States is wrecked or stranded on the coast of the other, the competent local authorities shall, with as little delay as possible, bring the fact to the knowledge of the Consul General, Consul, Vice-Consul or Consular Agent nearest to the spot where the wreck or stranding has taken place.

ARTICLE II.

All operations relative to the salvage of British ships which may be wrecked or stranded on the coasts of France shall be directed by the Consuls General, Consuls, Vice-Consuls or Consular Agents of Great Britain, and reciprocally the French Consuls General, Consuls, Vice-Consuls and Consular Agents shall direct all operations relative to the salvage of ships of their nation wrecked or stranded on the coasts of Great Britain.

ARTICLE III.

If the owners of the ship and cargo, or their duly authorised representatives, shall be present and shall claim it, the Consuls General, Consuls, Vice-Consuls and Consular Agents shall hand over to them the conduct of the salvage operations after requiring the deposit of the ship's papers, as well as the reimbursement of the expenses already defrayed, and a sufficient guarantee for those incurred before the operations were handed over, and which may not have been already settled.

ARTICLE IV.

The intervention of the local authorities shall only take place in the two countries for the purpose of assisting the Consular authority, of maintaining order, of securing the interests of the salvors if they are strangers to the shipwrecked crews, and of assuring the due execution of the arrangements to be carried out for the entry and departure of the merchandise saved.

In the absence, and until the arrival, of the Consuls General, Consuls, Vice-Consuls or Consular Agents, the local authorities shall, moreover, take all necessary measures for the protection of the persons and for the preservation of the articles which shall have been saved from the wreck.

This intervention shall not give rise to any charges, with the exception of those which the salvage operations and the protection of the articles saved shall have rendered necessary, and those to which national ships would, under similar circumstances, be liable. These charges shall be paid according to the circumstances of the case, either by the Agents of the Consular service, or by their owners or their proxies.

In case absence, sickness or any other cause should prevent the Agents of the Consular service from seeing to the operations and the management of the salvage, the local authorities who may be charged with the operations and management in question shall be bound to remit to the aforesaid Agents the ship's papers and the net proceeds of the ship and the cargo.

ARTICLE V.

The merchandise and articles saved shall not be liable to any customs-duties, unless they are

intended for home consumption, in which case they shall pay the same duties as they would have had to pay if they had been imported in national vessels.

ARTICLE VI.

The stipulations of the present Declaration shall be applicable to all the Colonies and foreign possessions of Her Britannic Majesty, excepting to those hereinafter named, that is to say, except to—

India.
The Dominion of Canada.
Newfoundland.
The Cape.
Natal.
New South Wales.
Victoria.
Queensland.
Tasmania.
South Australia.
Western Australia.
New Zealand.

Provided always that the stipulations of the present Declaration shall be made applicable to any of the above-named Colonies or foreign possessions on whose behalf notice to that effect shall have been given by Her Britannic Majesty's Representative to the French Re-

public within one year from the date of the signature of the present Declaration.

The stipulations of the present Declaration shall be applicable to all the Colonies and foreign possessions of France.

ARTICLE VII.

The present Declaration shall come into operation three months after the date of its signature, and shall remain in force until the expiration of one year from the day on which either Party may give notice of its intention to terminate it.

In witness whereof, the undersigned Plenipotentiaries, His Excellency the Earl of Lytton, Ambassador of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Excellency M. Eugène Spuller, Minister for Foreign Affairs, have signed the present Declaration, and have affixed thereto their seals.

Done at Paris, this twenty-third day of October, 1889.

(L.S.) LYTTON.
(L.S.) E. SPULLER.

S. HARVEY JAMES,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend Act X of 1841 was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 27th February, 1891 :—

WE, the undersigned, Members of the Select Committee to which the Bill to amend Act X of 1841 was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as revised by us annexed thereto.

From Registrar, High Court, Calcutta, No. 221, dated 28th January, 1891 [Paper No. 1].

From Junior Secretary to Chief Commissioner, Burma, No. 588—15 M. S., dated 21st January, 1891 [Paper No. 2].

From Chief Secretary to Government, Madras, No. 191, dated 29th January, 1891, and enclosures [Papers No. 3].

From Secretary to Government, Bengal, No. 290, dated 30th January, 1891, and enclosures [Papers No. 4].

2. *Section 3 of Bill as revised.*—We have so altered the terms of the sections to be substituted for sections 8, 9, 10, 11 and 12 of Act X of 1841 as to make orders of the Board of Trade, as well as rules in statutes, applicable to the measurement of British Indian ships.

We have also saved the provisions of section 70 of Act I of 1859 as amended by the Indian Merchant Seamen's Act, 1876.

3. *Sections 8 and 9 of Bill as revised.*—We have by these sections made it clear that the expression "Local Government," as used in the Act, includes the Chief Commissioner of Burma.

4. The publication ordered by the Council has been made as follows :—

In English.

<i>Gazette.</i>	<i>Date.</i>
Gazette of India	20th December, 1890.
Fort Saint George Gazette	13th January, 1891.
Bombay Government Gazette	25th December, 1890.
Calcutta Gazette	24th December, 1890.
Burma Gazette	3rd January, 1891.

In the Vernaculars.

<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
Bengal	Bengali	13th January, 1891.
	Uriva	29th January, 1891.

5. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

H. W. BLISS.
ANDREW. R. SCOBLE.
D. BARBOUR.
F. M. HALLIDAY.
J. NUGENT.
JAS. L. MACKAY.

The 27th February, 1891.

No. II.

A Bill to amend Act X of 1841.

WHEREAS it is expedient to amend the Act of the Governor General in Council, No. X of 1841 (*an Act for prescribing the rules to be observed in order that ships or vessels belonging to ports within the territories under the Government of the East India Company, or belonging to Native Princes or States, or their subjects, may become entitled to the privileges of British ships under a proclamation of the Governor General of India in Council made in pursuance of the Statute 3rd & 4th Vict., c. 56*), It is hereby enacted as follows:—

Repeal of a word in section 2, Act X of 1841. 1. In section 2 of the said Act, the word "Singapore" is hereby repealed.

Amendment of section 3, Act X of 1841. 2. For that portion of section 3 of the said Act, beginning with the words "the persons now authorised" and ending with the words "such other or different persons," the words "such persons" shall be substituted.

Substitution of new sections for sections 8 to 12, Act X of 1841. 3. For sections 8 to 12, both inclusive, of the said Act the following shall be substituted, namely:—

Certificate of survey. 4. The certificate of the surveying officer shall be in the form in the schedule to this Act or in such other form as the Governor General in Council may from time to time prescribe; and such certificate shall be delivered to the registering officer before registry.

Measurment of tonnage for purpose of for the amenment of the law relating to Merchant Seamen) as amended by section 9 of the Indian

XIII of 1876. Merchant Seamen's Act, 1876, the tonnage of a ship or vessel required by law to be registered shall, previous to her being registered, be measured and ascertained according to such of the rules and orders for the time being in force 17 & 18 Vict., in and under the Merchant Shipping Act, 1854, c. 104. as amended by subsequent Acts (including the 52 & 53 Vict., Merchant Shipping (Tonnage) Act, 1889) as c. 43. apply to measurement of tonnage for the purpose of registry.

Measurement of tonnage for purpose other than registry. 5. Subject to the provisions referred to in the last foregoing section, the tonnage of a ship or vessel requiring to be measured for any purpose other than registry shall be measured and ascertained according to such of the rules and orders for the time being in force in and under the Merchant Shipping Act, 1854, amended as aforesaid, as apply to measurement of tonnage for a purpose other than registry.

Substitution of Governor General in Council for Board of Trade. 6. The rules and orders referred to in section 9 and section 10 of this Act shall, in their application to measure-

ment of tonnage for the purposes of this Act, or of any enactment, rule or order referring to this Act, be read and construed as if the Governor General in Council were therein named instead of the Board of Trade or the authority for which the Board of Trade has been substituted by section 3 of the Merchant Shipping Act, 1872. 35 & 36 Vict., c. 73.

7. The true amount of the register tonnage Marking of register of every ship or vessel to tonnage on ship or be measured and ascertained according to the vessel. rules and orders referred to in section 9 of this Act shall be deeply carved or cut in figures of at least three inches in length on the main beam of every such ship or vessel prior to her being registered."

8. In section 14 of the said Act, to the word "tonnage", wherever it occurs, the word "register" shall be prefixed, and for the words "rules herein prescribed" the words "said rules and orders" shall be substituted.

9. In section 15 of the said Act, the words "or the East India Company" are hereby repealed, and for the words and figures "Act No. II of 1839" the words "the law for the time being in force for the recovery of fines imposed by Criminal Courts" shall be substituted.

10. (1) In section 17 of the said Act the word "that", where it occurs before the words "the owner or owners" and before the words "if such owner or owners", is hereby repealed.

(2) To the same section the words "recoverable as aforesaid" shall be added.

11. In section 23 of the said Act, after the words "ten thousand rupees" the words "recoverable as aforesaid" shall be inserted.

12. In section 24 of the said Act, the words "issued under the Company's seal and" are hereby repealed, and for the words "for the Governor of Fort William in Bengal or for the Governor in Council of any presidency" and for the words "for the Governor of Fort William in Bengal or the Governor in Council of any presidency" the words "for a Local Government" shall be substituted.

13. After section 26 of the said Act, and Addition to Act X before the Proclamation, of 1841. the following shall be inserted, namely:—

14. The expressions 'Local Government', 'Local Governments of India' and 'Government of the Presidency', as used in this Act, shall be deemed to include, and to have always included, every person who is a 'Local Government' as defined in section 2, clause (10), of the General Clauses Act, 1868, 1 of 1868.

"THE SCHEDULE.

" (See section 8.)

ACT X. 1841. *

Certificate of Survey.

Name of Ship	Port of intended Registry.	Official Number, if there has been any former Registry.

Whether a Sailing or Steam Ship ; and, if a Steam Ship, how propelled.	Where Built.	When Built.	Name and Address of Builders.

Number of Decks . .	Length from fore part of stem, under the bowsprit, to the aft side of the head of the stern post	Feet.	Tenths.
Number of Masts . .			
Rigged	Main breadth to outside of plank		
Stern	Depth in hold from tonnage deck to ceiling at midships . .		
Build			
Galleries	Depth in hold from upper deck to ceiling at midships, in the case of three decks and upwards . .		
Head			
Framework	Length of engine room, if any		

PARTICULARS OF ENGINES (IF ANY).

No. of Engines.	Description.	Whether British or Foreign made.	When made.	Name and Address of Makers.	Diameter of Cylinders.	Length of Stroke.	No. of Horses' Power (combined).
				Engines.			
				Boilers.			

PARTICULARS OF TONNAGE.

GROSS TONNAGE.	No. of Tons.	DEDUCTION ALLOWED.	No. of Tons.
Under Tonnage Deck . .		On account of space required for propelling power	
Closed-in spaces above the Tonnage Deck, if any :			
Space or spaces between Decks . .			
Poop			
Forecastle			
Round-House			
Other closed-in spaces, if any, as follows :		These spaces are the following, namely :—	
Gross Tonnage . .		Cubic metres.	
Deduction, as per contra . .			
Registered Tonnage . .			TOTAL .

I, the undersigned,

having surveyed the above-named Ship, hereby certify that the above particulars are true.

Dated at,

this _____ day of _____

x8.

Surveyor.

S. HARVEY JAMES,
Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 7, 1891.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General of India for making Laws and Regulations, or Reports of Select Committees presented to the Council.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend the Indian Factories Act, 1881, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 6th March, 1891:—

We, the undersigned, Members of the Select Committee to which the Bill to amend the Indian Factories Act, 1881, was referred, have considered the Bill and the papers noted in the list appended, and have now the honour to submit this our Report, with the Bill as revised by us, and Act XV of 1881 as amended by the revised Bill, annexed thereto.

2. In this Report it will be convenient to refer to the sections of the Act of 1881 as amended by the revised Bill.

3. *Section 2.*—In modification of the definition of "factory" we have in clause (b) proposed to substitute the word *fifty* for the word *twenty*, and to qualify the modified definition by the addition of a section (section 20) to the Act.

4. *Section 2.*—In modification of the definition of "child" we have proposed to fix fourteen years as the age below which persons shall be deemed to be children. We do not consider it expedient that there should in this country be a class of persons intermediate between children and adults.

5. *Section 5.*—We are of opinion that power should be given to the Governor General in Council to prescribe the levy of a small fee in respect of the grant of a certificate by a certifying surgeon under section 5.

6. *Section 5A.*—In this section we have proposed that, except in factories in which the shift-system is in force or to which the Governor General in Council may have declared the section not to apply, there shall between noon and two o'clock in the afternoon be a stoppage of work for a full half-hour for every operative.

7. *Section 5B.*—Here we have proposed that every Sunday shall be a holiday for all operatives, subject to the following provisos, namely:—

- (a) any manager, foreman, mechanic, artisan or labourer may be employed in a factory on a Sunday in examining or repairing, or in supervising or aiding in the examination or repair of, any machinery or other thing whatsoever necessary for the carrying on of the work performed in the factory;
- (b) any person may be employed in a factory on a Sunday if he has had or will have a holiday for a whole day on one of the three days immediately preceding or succeeding the Sunday;
- (c) the Local Government may from time to time, by notification in the official Gazette, declare the section not to apply to any factory or class of factories (the factory or class being described in the notification) in which the work performed—
 - (i) necessitates continuous production for technical reasons, or

- (ii) supplies the public with articles of prime necessity which must be made every day, or
- (iii) by its nature cannot be carried on except at stated seasons or at times dependent on the irregular action of natural forces; and
- (d) the Governor General in Council may from time to time, by notification in the Gazette of India, declare the section not to apply to factories of any class described in the notification.

In proviso (c) we have adopted the language of the Exceptions admissible under clause II of the Final Protocol of the Berlin Conference on Labour in Factories and Mines.

8. *Sections 6, 7 and 10.*—Here we have proposed (a) to reserve power to the Governor General in Council to exempt certain industries from the eleven hours' limitation of *actual* daily employment for women, (b) to further limit the hours of *actual* daily employment for children, and (c) to require that every woman ordinarily, and every child always, shall, during the permissible period of *daily employment* (as distinguished from *actual daily employment*) be allowed sufficient intervals of rest.

9. *Section 15 (2).*—We have here proposed that the personation of children certified under section 5 should be made an offence.

10. *Section 18 (2).*—We have provided that only such returns shall be called for from occupiers of factories as the Governor General in Council may from time to time prescribe.

11. The other alterations which we have proposed do not appear to us to call for remark.

12. We have proposed in the Bill that the provisions thereof amending the Act of 1881 shall not take effect till the beginning of next year.

13. The publication ordered by the Council has been made as follows:—

In English.

Gazette.

	<i>Date.</i>
Gazette of India	1st February, 1890.
Port Saint George Gazette	25th February, 1890.
Bombay Government Gazette	6th February, 1890.
Calcutta Gazette	5th February, 1890.
North-Western Provinces and Oudh Government Gazette	8th February, 1890.
Punjab Government Gazette	13th February, 1890.
Central Provinces Gazette	8th February, 1890.
Burma Gazette	15th February, 1890.
Assam Gazette	22nd February, 1890.
Coorg District Gazette	1st March, 1890.

In the Vernaculars.

Province.

Language.

	<i>Date.</i>
Bombay	20th February, 1890.
Bengal	20th February, 1890.
North-Western Provinces and Oudh.	20th February, 1890.
Central Provinces	18th February, 1890.
Burma	18th February, 1890.
Assam	29th February, 1890.
	1st March, 1890.

Language.

Marathi	20th February, 1890.
Gujarathi	20th February, 1890.
Kanarese	20th February, 1890.
Bengali	18th February, 1890.
Hindi	18th February, 1890.
Urjia	29th February, 1890.
Urdu	1st March, 1890.

ANDREW R. SCOBLE.

PHIL. P. HUTCHINS.

K. L. NULKAR.

14. Having regard to the fact that the Report of the Indian Factory Commission of 1890, in which the questions dealt with by the Bill were raised, has been considered by Local Governments and the mercantile bodies concerned, we do not think that the Bill requires re-publication, and we recommend that it be passed as now amended.

H. W. BLISS.

Whilst agreeing generally in the Select Committee's Report I regret my inability to concur in the opinion expressed in paragraph 14. The Bill as placed before the Select Committee on Monday last and as now submitted with certain alterations to the Council with the Report is not the Bill sent thirteen months ago to the Local Governments for opinion and referred to a Select Committee of this Council. It includes certain provisions not contained in the original Bill, and in some respects it goes beyond any recommendations made by the Indian Factory Commission appointed in September last. In these circumstances it seems to me desirable that before the measure finally becomes law the various Local Governments and commercial and manufacturing bodies should be allowed full opportunity of expressing their views concerning the new and important provisions embodied in it.

J. NUGENT.

I concur in the Report.

JAS. L. MACKAY.

The 9th March, 1891.

List of papers referred to in paragraph 1 of Report.

Endorsement by Under-Secretary to Government of India, Home Department, No. 137, dated 4th February, 1890, and enclosures [Papers No. 1].

From Secretary to Chief Commissioner, Coorg, No. 210—2890, dated 14th February, 1890 [Paper No. 2].

From Chief Secretary to Government, North-Western Provinces and Oudh, No. 240—III-903A., dated 20th February, 1890 [Paper No. 3].

From Under-Secretary to Chief Commissioner, Burma, No. 391—30G., dated 21st February, 1890 [Paper No. 4].

From Chief Secretary to Government, Madras, No. 320, dated 20th February, 1890, and enclosures [Papers No. 5].

Telegram from Resident, Hyderabad, No. 68, dated 28th February, 1890 [Paper No. 6].

From Secretary to Government, Punjab, No. 180, dated 27th February, 1890 [Paper No. 7].

From Officiating Secretary to Chief Commissioner, Central Provinces, No. C.—60, dated 1st March, 1890 [Paper No. 8].

From Chief Commissioner, Ajmere-Merwara, No. 199—690, dated 1st March, 1890 [Paper No. 9].

From Chief Secretary to Government, Bombay, No. 987, dated 7th March, 1890, and enclosures [Papers No. 10].

From Chief Secretary to Government, Bombay, No. 1101, dated 17th March, 1890 [Paper No. 11].

From Chief Secretary to Government, Bombay, No. 1140, dated 20th March, 1890 [Paper No. 12].

From Secretary to Government, Bengal, No. 593, dated 1st April, 1890, and enclosures [Papers No. 13].

From Officiating Secretary to Chief Commissioner, Assam, No. 1138J., dated 27th March, 1890, and enclosures [Papers No. 14].

Endorsement by Officiating Under-Secretary to Government, Bengal, No. 662, dated 23rd April, 1890, and enclosure [Papers No. 15].

From Officiating Chief Secretary to Chief Commissioner, Burma, No. 748—6L., dated 22nd May, 1890, and enclosures [Papers No. 16].

From Secretary, Bengal Chamber of Commerce, No. 658—90, dated 12th July, 1890, and enclosures.

From Chief Secretary to Government, North-Western Provinces and Oudh, No. 921—III-234, dated 10th July, 1890, and enclosures.

From Her Majesty's Secretary of State for India, No. 59 (Statistics), dated 3rd July, 1890, and enclosures.

From Secretary to Government, Bengal, to Home Department, No. 1293, dated 25th August, 1890, and enclosures.

Telegram from Home Department, to Government, Bengal, No. 1366, dated 18th September, 1890.

Telegram from Home Department, to Government, Bengal, No. 1370, dated 22nd September, 1890.

Telegram from Government, Bengal, to Home Department, dated 23rd September, 1890.

Telegram from Home Department, to Government, Bengal, No. 1381, dated 25th September, 1890.

Telegram from Home Department, to Government, North-Western Provinces and Oudh, No. 1382, dated 25th September, 1890.

Telegram from Home Department, to Surgeon Major A. S. Lethbridge, Bombay, No. 1383, dated 25th September, 1890.

Resolution by Government of India, Home Department, No. 10—1384—1394 (Judicial), dated 25th September, 1890.

Telegram from Dr. Lethbridge, Bombay, to Home Department, dated 29th September, 1890.

Telegram from Home Department, to Government, Bengal, No. 1426, dated 30th September, 1890.

Telegram from Home Department, to Government, Bengal, No. 1427, dated 30th September, 1890.

Telegram from Home Department, to Government, North-Western Provinces and Oudh, No. 1428, dated 30th September, 1890.

Telegram from Home Department, to Surgeon Major A. S. Lethbridge, Bombay, No. 1429, dated 30th September, 1890.

Telegram from Government, North-Western Provinces, to Home Department, dated 2nd October, 1890.

Notification by Government, Bengal, dated 29th September, 1890.

Telegram from Home Department, to Government, Bengal, No. 1452, dated 4th October, 1890.

Telegram from Home Department, to Surgeon Major A. S. Lethbridge, Bombay, 1453, dated 4th October, 1890.

From Chief Secretary to Government, North-Western Provinces and Oudh, No. 1317, dated 1st October, 1890, and enclosure.

From Chief Secretary to Government, North-Western Provinces and Oudh, No. 4605, dated 7th October, 1890, and enclosure.

Report of the Indian Factory Commission.

From Chairman, Bombay Cotton Trade Association, dated 9th December, 1890.

From Secretary, Bengal Chamber of Commerce, No. 1224—90, dated 23rd December, 1890, and enclosures.

From Acting Secretary, Karachi Chamber of Commerce, dated 15th December, 1890.

From Secretary, Bombay Mill-owners' Association, dated 28th December, 1890.

From Chairman, Chamber of Commerce, Madras, dated 22nd December, 1890.

From Chairman, Chamber of Commerce, Bombay, dated 23rd December, 1890.

From Chief Secretary to Government, Madras, No. 2089 (Judicial), dated 24th December, 1890, and enclosure.

From Secretary, Upper India Chamber of Commerce, dated 26th December, 1890, and enclosures.

From Secretary, Rangoon Chamber of Commerce, dated 26th December, 1890.

From Secretary to Chief Commissioner, Burma, No. 963—6L, dated 30th December, 1890.

From Secretary, Bombay Trades Association, dated 3rd January, 1891.

From Secretary, Calcutta Trades Association, dated 3rd January, 1891.

From Acting Chief Secretary to Government, Bombay, No. 175, dated 14th January, 1891, and enclosures.

From Honorary Secretary, Bengal National Chamber of Commerce, dated 20th January, 1891.

From Chief Secretary to Government, Madras, No. 152 (Judicial), dated 23rd January, 1891.

From Officiating Secretary to Chief Commissioner, Central Provinces, No. 498—27, dated 24th January, 1891.

From Officiating Junior Secretary to Government, Punjab, No. 121, dated 20th January, 1891.

From Chief Secretary to Government, North-Western Provinces and Oudh, No. 131, dated 31st January, 1891, and enclosures.

From Secretary to Chief Commissioner, Burma, No. 479—2G., dated 31st January, 1891.

From Chief Secretary to Government, Bengal, No. 573, dated 5th February, 1891.

A Bill to amend the Indian Factories Act, 1881.

WHEREAS it is expedient to amend the Indian Factories Act, 1881; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Factories Act, 1891; and

(2) It shall come into force on the first day of January, 1892.

2. The words and figures "and shall come into force on the first day of July, 1881," in section 1 of the Indian Factories Act, 1881, are hereby repealed.

3. For clause (b) in section 2 of the said Act, in the definition of the word "factory", the following shall be substituted, namely:—

"(b) wherein, subject to the provisions of section 20, not less than fifty persons are on any day simultaneously employed in any manual labour in, or incidental to, any such process; and".

4. (1) For the word "child" in the same section of the said Act, in the definition of the word "employed", the word "person" shall be substituted.

(2) In the same section of the said Act, in the definition of the word "employed", the word "either" is hereby repealed.

5. For the word "twelve" in sections 2, 4, 5 and 16 of the said Act, the word "fourteen" shall be substituted.

6. (1) In the first paragraph of section 3 of the said Act, after the word "appoint" the words "by name or by office" shall be inserted.

(2) For the second paragraph of the same section of the said Act the following shall be substituted, namely:—

"The District Magistrate shall, in virtue of his office, be an Inspector of all factories, if any, in his district."

7. In clause (b) of section 4 of the said Act, for the word "provision" the word "purposes" shall be substituted.

8. In section 5 of the Act, before the word "examine" the words "and on payment by such person of such fee, if any, as may from time to time be prescribed by the Governor General in

Council by notification in the Gazette of India" shall be inserted.

9. For the word "seven" in sections 4, 5 and 16 of the said Act the word "nine" shall be substituted.

10. For sections 6 to 11, both inclusive, of the said Act, and for the head-Substitution of new sections for sections 6 to 11, ing "Children" prefixed to the said section 6, the following shall be substituted, namely:—

"All Operatives."

"5A. (1) In every factory, except a factory in which a system of employment in shifts or sets approved by the local Inspector is in force, there shall between noon and two o'clock in the afternoon be a stoppage of work for a full half hour:

"(2) Provided that nothing in this section shall apply to any factory of a class to which the Governor General in Council has, by notification in the Gazette of India, declared this section not to apply.

"5B. (1) No person shall be employed in any factory on a Sunday:

(2) Provided as follows:—

(a) any manager, foreman, mechanic, artisan or labourer may be employed in a factory on a Sunday in examining or repairing, or in supervising or aiding in the examination or repair of, any machinery or other thing whatsoever necessary for the carrying on of the work performed in the factory;

(b) any person may be employed in a factory on a Sunday if he has had or will have a holiday for a whole day on one of the three days immediately preceding or succeeding the Sunday;

(c) the Local Government may from time to time, by notification in the official Gazette, declare sub section (1) of this section not to apply to any factory or class of factories (the factory or class being described in the notification) in which the work performed—

(i) necessitates continuous production for technical reasons, or

(ii) supplies the public with articles of prime necessity which must be made every day, or

(iii) by its nature cannot be carried on except at stated seasons or at times dependent on the irregular action of natural forces; and

(d) the Governor General in Council may from time to time, by notification in the Gazette of India, declare sub-section (1) of this section not to apply to factories of any class described in the notification.

"Women"

"6. (1) No woman shall be employed before five o'clock in the morning or after eight o'clock in the evening in any factory in which a system of employment in shifts or sets approved by the local Inspector is not in force.

(2) No woman shall be actually employed in any factory in any one day for more than eleven hours.

(3) Every woman shall be allowed an interval or intervals of rest amounting in the aggregate to at least an hour-and-a-half in the day when she is actually employed for eleven hours and to a proportionately less time when she is actually employed for less than eleven hours.

(4) The Governor General in Council may from time to time, by notification in the Gazette of India, declare the foregoing sub-sections of this section not to apply to factories of any class described in the notification.

"Children."

"7. (1) No child shall be employed in any factory if he is under the age of nine years.

(2) No child shall be employed in any factory before five o'clock in the morning or after eight o'clock in the evening.

(3) In a factory in which a system of employment in shifts or sets approved by the local Inspector is in force, a child may be actually employed for not more than eight hours in any one day:

Provided that no child shall be employed for more than four hours continuously and that an interval of rest of not less than two hours shall be allowed to each child after the end of each period of work and before the beginning of the next such period.

(4) In any other case than that for which provision is made in sub-section (3) of this section—

(a) no child shall be actually employed in any factory for more than seven hours in any one day: and

(b) every child who is actually employed in any factory for six hours continuously in any one day shall be allowed an interval or intervals of rest amounting in the aggregate to at least half-an-hour.

"8. No occupier of a factory shall allow any child to clean any part of certain dangerous work. machinery while the same is in motion, or to work between the fixed and traversing parts of any self-acting machine while such machine is in motion by the action of the steam-engine, water-wheel or other mechanical power, as the case may be.

"9. The Local Government may direct any occupier of a factory to keep, in such form and with such particulars as such Government may from time to time prescribe, registers of the children (if any) employed in such factory and of their respective employments.

"Women and Children."

"10. (1) The occupier shall set up and maintain, in some conspicuous place in the factory, a printed or written notice, in English and the languages of the district in which the factory is situated, showing the times at which such intervals as are required by section 6, sub-section (3), and section 7, sub-sections (3) and (4), to be allowed to women and children, respectively, shall be allowed and the length of each interval.

(2) A woman or child shall not be deemed to be actually employed within the meaning of section 6 or section 7 during any such interval as aforesaid.

"11. No occupier of a factory shall employ therein on any day any woman or child who has already been employed on the same day in any other factory."

II. In clause (a) of section 12 of the said Act the word "or", where it first occurs, is hereby repealed.

Amendment of sec- 12. In section 13 of the said Act, after the word "hours" the word "next" shall be inserted, and for the words "such accident" the words "the accident" shall be substituted.

Amendment of sec- 13. In section 14 of the said Act, before the words "the place" the words "and of" shall be inserted.

(2) The words "(if any)" in the same section of the said Act are hereby repealed.

Substitution of new 14. For section 15 of the section for section 15, said Act the following shall Act XV, 1881. be substituted, namely:—

"15 (1) Any person who, in breach of this Act or of any order or rule made thereunder,—

(a) employs any person in any factory;

- (d) allows any child to perform the work forbidden by, or to work in contravention of, section 8;
- (e) neglects to keep a register in manner prescribed under section 9;
- (d) neglects to set up or maintain the notice required by section 10, sub-section (1);
- (e) neglects to fence any machinery or mill-gearing in any factory;
- (f) neglects to maintain a supply of water for the use of persons employed in any factory;
- (g) neglects to ventilate any factory or to keep any factory in a cleanly state and free from effluvia arising from any drain, privy or other nuisance;
- (h) suffers any factory to be so overcrowded, while work is carried on therein, as to be injurious to the health of the persons employed therein; or
- (i) neglects to send any notice or furnish any return;

shall be punished with fine which may extend to two hundred rupees:

Provided that—

(i) no prosecution under this sub-section shall be instituted except by, or with the previous sanction of, the local Inspector; and

(ii) no person shall be liable under this subsection to more than one penalty for any one description of offence committed on the same day, except where two or more persons are employed contrary to the provisions of this Act, in which case one penalty may be imposed in respect of each person so employed.

(2) Any person who corruptly uses or attempts to use, as a certificate granted to himself under section 5, a certificate granted to another person under that section, or who, having procured a certificate under the said section, corruptly allows it to be used, or an attempt to use it to be made, by another person, shall be punished with fine which may extend to twenty rupees."

15. For section 17 of the said Act the following shall be substituted, namely:—

“ 17. Every occupier of a factory shall be deemed primarily liable for breaches of this Act or of any order or rule made thereunder; but he may discharge himself from such liability by proof that such breach was committed by some other person without his knowledge or consent, and in that case the person committing such breach shall be liable therefor.”

16. (1) For section 18 of the said Act the
Amendment of section 18, Act XV, 1881, following shall be substituted, namely:—

"18. (r) The Local Government may from time to time make rules consistent with this Act to provide for—

- (a) the fencing of machinery and mill-gearing in factories;
- (b) the water-supply to be maintained for the use of persons employed in factories;
- (c) the ventilation of factories and their cleanliness (including lime-washing, painting, varnishing and washing) and

freedom from effluvia arising from any drain, privy or other nuisance;

(d) the prevention of such overcrowding of factories, while work is carried on therein, as is likely to be injurious to the health of the persons employed therein;

(e) the inspection of factories;

(f) the manner in which appeals under this Act are to be presented and heard; and

(g) otherwise carrying out the purposes of this Act.

(2) The Governor General in Council may from time to time make rules with respect to the returns, occasional or periodical, which are to be submitted by occupiers of factories to the local Inspector, or to such other authority as may be prescribed by the rules.

(3) Such rules shall be published in the local official Gazette, or the Gazette of India, as the case may be, and shall thereupon have the force of law.

(4) Before making rules under clause (3), clause (c) or clause (d) of sub-section (1) of this section the Local Government, and before making rules under sub-section (2) of this section the Governor General in Council, shall publish in such manner as may in its or his opinion be sufficient for giving information to persons interested a draft of the proposed rules, with a notice specifying a date (not less remote than two months from the publication of the notice) at or after which the draft will be taken into consideration, and shall consider any objection or suggestion which may be received from any person with respect to the draft before the date so specified."

17. In section 19 of the said Act, the word "such", where it occurs before the word "factory", is hereby repealed.

ddition of a section to Act XV, 1881.

18 To the said Act the following shall be added, namely:—

"20. (1) Notwithstanding anything in clause (b) of the definition at the word "factory" in section 2, the Local Government may from time to time, by notification in the official Gazette, declare any premises, or premises of any class, which fulfil the other conditions of the said definition, to be a factory for all the purposes of this Act, or for such of those purposes as may be specified in the notification if the number of persons simultaneously employed in the premises on any day in any manual labour in, or incidental to, any such process as is referred to in the said clause (b) is less than fifty and not less than twenty.

(2) The Local Government may, by such notification, fix any number between fifty and twenty as the number of persons whose simultaneous employment as aforesaid is to be held to subject premises, as a factory, to all or any of the provisions of this Act and of the orders and rules made thereunder."

19. A reference in any enactment or document to the Indian Factories Act, 1881, shall be read as a reference to that Act as amended by this Act.

References to Act XV of 1881 to be read as references to that Act as amended by this Act.

XV of 1881. Cf. India Act XIII, 1887, s. 3 (5); Bom. Act III, 1888, s. 392 (2); and India Act IV, 1889, ss. 10 (2) (7).

APPENDIX.

ACT NO. XV OF 1881.

(As amended by the Bill.)

An Act to regulate labour in Factories.

Preamble.

WHEREAS it is expedient to regulate labour in factories;
It is hereby enacted as follows:—

Preliminary.

Short title and local extent.

1. This Act may be called the Indian Factories Act,
1881.

It applies to the whole of British India.

Interpretation-clause.

2. In this Act, unless there is something repugnant in the subject or context,—

“factory” means any premises (other than indigo-factories or premises situated on, and used solely for the purposes of, a tea or coffee plantation) “factory:” wherein is carried on, for not less than four months in the whole in any one year, any process for, or incidental to, making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale, any article or part of an article; and

(a) wherein steam, water or other mechanical power is used in aid of any such process; and

(b) wherein, subject to the provisions of section 20, not less than fifty persons are on any day simultaneously employed in any manual labour in, or incidental to, any such process; and

every part of a factory shall be deemed to be a factory, except any part used exclusively as a dwelling:

“child” means a person under the age of fourteen years:

“mill-gearing” includes every shaft, whether upright, oblique or horizontal, and every wheel, drum, pulley, rope, driving strap or band, by which “mill-gearing:” the motion of the first moving power is communicated to any machine:

a person who works in a factory, whether for wages or not, in a manufacturing process or handicraft, or in cleaning any part of the factory “employed.” used for any manufacturing process or handicraft, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever incidental to, or connected with, the manufacturing process or handicraft, or connected with the article made or otherwise the subject of the manufacturing process or handicraft therein, shall be deemed to be employed therein within the meaning of this Act.

Inspectors and certifying surgeons.

3. The Local Government may in its discretion, by notification in the official Gazette, appoint, by name or by office, such persons as it thinks fit to be Inspectors of factories within such local limits as it

may assign to such Inspectors, and may suspend or dismiss any person so appointed. The District Magistrate shall, in virtue of his office, be an Inspector of all factories, if any, in his district.

Such Inspectors shall be deemed public servants within the meaning of the Indian Penal Code, and shall be officially subordinate to such authority as the Local Government may from time to time indicate in this behalf.

Powers of Inspector.

4. An Inspector of factories may, within the local limits for which he is appointed,—

(a) enter, with such assistants (if any) as he thinks fit, any factory whenever he has reason to believe that any person is employed therein;

- (b) make such examination of the premises and machinery, and of the registers hereinafter prescribed, and take on the spot or otherwise such evidence of any person as such Inspector may deem necessary for carrying out the purposes of this Act;
- (c) order that any person shall not be employed in a factory when he has reason to believe that such employment would be in contravention of this Act —
 - until the age of such person has been certified, in the manner hereinafter provided, to be above *nine* years or
 - for more than the time allowed by this Act for the employment of children, until his age has been so certified to be above *fourteen* years.

5. The civil surgeon or such other person practising medicine or surgery as the Local Government may from time to time appoint in this behalf Certifying surgeons. for any local area (hereinafter called the certifying surgeon) shall, at the request of any person employed or desirous of being employed in a factory situate in such local area, or of the parent or guardian of such person, and on payment by such person of such fee, if any, as may from time to time be prescribed by the Governor General in Council by notification in the Gazette of India, examine such person and grant him a certificate, stating whether his age, as nearly as it can be ascertained from such examination, is above or below *nine* years, or *fourteen* years, as the case may be.

All Operatives.

5A. (1) In every factory, except a factory in which a system of employment in Limited stoppage of work daily shifts or sets approved by the local Inspector is in force, in certain circumstances, there shall between noon and two o'clock in the afternoon be a stoppage of work for a full half-hour:

(2) Provided that nothing in this section shall apply to any factory of a class to which the Governor General in Council has, by notification in the Gazette of India, declared this section not to apply.

Holidays. 5B. (1) No person shall be employed in any factory on a Sunday:

(2) Provided as follows:—

- (a) any manager, foreman, mechanic, artisan or labourer may be employed in a factory on a Sunday in examining or repairing, or in supervising or aiding in the examination or repair of, any machinery or other thing whatsoever necessary for the carrying on of the work performed in the factory;
- (b) any person may be employed in a factory on a Sunday if he has had or will have a holiday for a whole day on one of the three days immediately preceding or succeeding the Sunday;
- (c) the Local Government may from time to time, by notification in the official Gazette, declare sub-section (1) of this section not to apply to any factory or class of factories (the factory or class being described in the notification) in which the work performed—
 - (i) necessitates continuous production for technical reasons, or
 - (ii) supplies the public with articles of prime necessity which must be made every day, or
 - (iii) by its nature cannot be carried on except at stated seasons or at times dependent on the irregular action of natural forces; and
- (d) the Governor General in Council may from time to time, by notification in the Gazette of India, declare sub-section (1) of this section not to apply to factories of any class described in the notification.

Women.

6. (1) No woman shall be employed before five o'clock in the morning or after eight o'clock in the evening in any factory in which a system of Employment of women. employment in shifts or sets approved by the local Inspector is not in force.

(2) No woman shall be actually employed in any factory in any one day for more than eleven hours.

(3) Every woman shall be allowed an interval or intervals of rest amounting in the aggregate to at least an hour-and-a half in the day when she is actually employed for eleven hours and to a proportionately less time when she is actually employed for less than eleven hours.

(4) The Governor General in Council may from time to time, by notification in the Gazette of India, declare the foregoing sub-sections of this section not to apply to factories of any class described in the notification.

Children.

Employment of children. 7. (1) No child shall be employed in any factory if he is under the age of nine years.

(2) No child shall be employed in any factory before five o'clock in the morning or after eight o'clock in the evening.

(3) In a factory in which a system of employment in shifts or sets approved by the local Inspector is in force a child may be actually employed for not more than eight hours in any one day.

Provided that no child shall be employed for more than four hours continuously and that an interval of rest of not less than two hours shall be allowed to each child after the end of each period of work and before the beginning of the next such period.

(4) In any other case than that for which provision is made in sub-section (3) of this section—

(a) no child shall be actually employed in any factory for more than seven hours in any one day, and

(b) every child who is actually employed in any factory for six hours continuously in any one day shall be allowed an interval or intervals of rest amounting in the aggregate to at least half-an-hour.

8. No occupier of a factory shall allow any child to clean any part of the mill-gearing or machinery of such factory while the same is in motion, or Prohibition of employment of child in certain dangerous work to work between the fixed and traversing parts of any self-acting machine while such machine is in motion by the action of the steam-engine, water-wheel or other mechanical power, as the case may be.

9. The Local Government may direct any occupier of a factory to keep, in such form and with such particulars as such Government may from time to time prescribe, registers of the children (if any) employed in such factory, and of their respective employments.

Women and Children.

10. (1) The occupier shall set up and maintain, in some conspicuous place in the factory, a printed or written notice, in English and the languages of the district in which the factory is situated, showing the times at which such intervals as are required by section 6, sub-section (3), and section 7, sub-sections (3) and (4), to be allowed to women and children, respectively, shall be allowed and the length of each interval.

(2) A woman or child shall not be deemed to be actually employed within the meaning of section 6 or section 7 during any such interval as aforesaid.

11. No occupier of a factory shall employ therein on any day any woman or child who Prohibition of employment of woman or child in two factories has to his knowledge already been employed on the same day in any other factory.

Fencing.

12. (a) Every fly-wheel directly connected with a steam-engine, water-wheel or other mechanical power in any part of a factory, and every part of a steam-engine or water-wheel,

(b) every hoist or teagle near which any person is liable to pass or be employed, and

(c) every other part of the machinery or mill-gearing of a factory which may, in the opinion of the local Inspector, be dangerous if left unsenced, and which he may have ordered to be fenced,

shall, while the same is in motion, be kept by the occupier of such factory securely fenced.

Any order under clause (c) may be set aside, on appeal or otherwise, by the Local Government or such authority as it may appoint in this behalf.

Notices.

13. When any accident occurs in a factory causing death or bodily injury whereby Notice to be given of accidents. the person injured is prevented from returning to his work in the factory during forty-eight hours next after the occurrence of the accident, the occupier of such factory, or, in his absence, his principal agent in the management of such factory, shall send such notice of the accident to such authorities in such form and within such time as the Local Government may from time to time by rule direct.

14. Every person shall, within one month after he begins to occupy a factory, send to the local Inspector a written notice containing the name of the factory and of the place where it is situate, the address to which he desires his letters to be addressed, the nature of the work performed in such factory, the nature and amount of the moving power therein, and the name of the person under whom the business of the factory is to be carried on.

Penalties.

Penalties.

15. (1) Any person who, in breach of this Act or of any order or rule made thereunder,—

- (a) employs any person in any factory;
- (b) allows any child to perform the work forbidden by, or to work in contravention of, section 8;
- (c) neglects to keep a register in manner prescribed under section 9;
- (d) neglects to set up or maintain the notice required by section 10, sub-section (1);
- (e) neglects to fence any machinery or mill-gearing in any factory;
- (f) neglects to maintain a supply of water for the use of persons employed in any factory;
- (g) neglects to ventilate any factory or to keep any factory in a cleanly state and free from effluvia arising from any drain, privy or other nuisance;
- (h) suffers any factory to be so overcrowded, while work is carried on therein, as to be injurious to the health of the persons employed therein; or
- (i) neglects to send any notice or furnish any return,

shall be punished with fine which may extend to two hundred rupees:

Provided that—

- (i) no prosecution under this sub-section shall be instituted except by, or with the previous sanction of, the local Inspector; and
- (ii) no person shall be liable under this sub-section to more than one penalty for any one description of offence committed on the same day, except where two or more persons are employed contrary to the provisions of this Act, in which case one penalty may be imposed in respect of each person so employed.

(a) Any person who corruptly uses or attempts to use, as a certificate granted to himself under section 5, a certificate granted to another person under that section, or who, having procured a certificate under the said section, corruptly allows it to be used, or an attempt to use it to be made, by another person, shall be punished with fine which may extend to twenty rupees.

16. Where an act or omission would, if a person were under nine or fourteen years of age, be an offence punishable under this Act, and such Burden of proof as to age. person is, in the opinion of the Court, apparently under such age, it shall lie on the accused to prove that such person is not under such age.

A declaration in writing by a certifying surgeon that he has personally examined a person employed in a factory and believes him to be under or over the age set forth in such declaration shall, for the purposes of this Act, be admissible as evidence of the age of that person.

17. Every occupier of a factory shall be deemed primarily liable for any breach
 Occupier primarily liable for therein of this Act or of any order or rule made thereunder ;
 breaches of Act or orders or rules but he may discharge himself from such liability by proof
 thereunder. that such breach was committed by some other person without
 his knowledge or consent, and in that case the person committing such breach shall be
 liable therefor.

Miscellaneous.

18. (1) The Local Government may from time to time make rules consistent with this
 Power to make rules. Act to provide for—

- (a) the fencing of machinery and mill-gearing in factories ;
- (b) the water-supply to be maintained for the use of persons employed in factories ;
- (c) the ventilation of factories and their cleanliness (including lime-washing, painting, varnishing and washing) and freedom from effluvia arising from any drain, privy or other nuisance ;
- (d) the prevention of such overcrowding of factories, while work is carried on therein, as is likely to be injurious to the health of the persons employed therein ;
- (e) the inspection of factories ;
- (f) the manner in which appeals under this Act are to be presented and heard ; and
- (g) otherwise carrying out the purposes of this Act.

(2) The Governor General in Council may from time to time make rules with respect to the returns, occasional or periodical, which are to be submitted by occupiers of factories to the local Inspector or to such other authority as may be prescribed by the rules.

(3) Such rules shall be published in the local official Gazette or the Gazette of India, as the case may be, and shall thereupon have the force of law.

(4) Before making rules under clause (b), clause (c) or clause (d) of sub section (1) of this section the Local Government, and before making rules under sub section (2) of this section the Governor General in Council, shall publish in such manner as may in its or his opinion be sufficient for giving information to persons interested a draft of the proposed rules, with a notice specifying a date (not less remote than two months from the publication of the notice) at or after which the draft will be taken into consideration, and shall consider any objection or suggestion which may be received from any person with respect to the draft before the date so specified.

19. This Act shall apply to factories belonging to the Crown : provided that, in case of any public emergency, the Governor General in Council or the Local Government may, by an order in writing, exempt any factory from this Act to such extent and during such period as the Governor General in Council or the Local Government, as the case may be, thinks fit.

20. Notwithstanding anything in clause (b) of the definition of the word "factory" Power to Local Government to in section 2, the Local Government may from time to extend definition of "factory." time, by notification in the official Gazette, declare any premises, or premises of any class, which fulfil the other conditions of the said definition, to be a factory for all the purposes of this Act, or for such of those purposes as may be specified in the notification, if the number of persons simultaneously employed in the premises on any day in any manual labour in, or incidental to, any such process as is referred to in the said clause (b) is less than fifty and not less than twenty.

(a) The Local Government may, by such notification, fix any number between fifty and twenty as the number of persons whose simultaneous employment as aforesaid is to be held to subject premises, as a factory, to all or any of the provisions of this Act and of the orders and rules made thereunder.

S. HARVEY JAMES,
 Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend the Indian Penal Code and the Code of Criminal Procedure, 1882, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 6th March, 1891:—

We, the undersigned, Members of the Select Committee to which the Bill to amend the Indian Penal Code and the Code of Criminal Procedure, 1882, was referred, have considered the Bill and the papers specified in the schedule hereto, and have now the honour to submit this our Report with the Bill as revised by us annexed thereto.

2. We concur with several authorities in thinking that only Magistrates of the highest class should be permitted to take cognizance of the offence of rape where the offence is alleged to have been committed by the husband of an outraged girl. We concur also with the High Court at Fort William in thinking it desirable that, where an investigation by a Police-officer with respect to such an offence is deemed to be necessary, the investigation should be made by an officer of superior rank. We have proposed to amend the Bill accordingly.

3. In other respects the Bill appears to us to be open to no objection.
4. The publication ordered by the Council has been made as follows:—

In English.

<i>Gazette.</i>	<i>Date.</i>
Gazette of India	10th January, 1891.
Fort Saint George Gazette	27th January, 1891.
Bombay Government Gazette	15th January, 1891.
Calcutta Gazette	14th January, 1891.
North Western Provinces and Oudh Government Gazette	17th January, 1891.
Punjab Government Gazette	22nd January, 1891.
Central Provinces Gazette	17th January, 1891.
Furna Gazette	24th January, 1891.
Assam Gazette	24th January, 1891.
Coorg District Gazette	2nd February, 1891.

In the Vernaculars.

<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
Bombay	Marathi	28th January, 1891.
	Gujarathi	28th January, 1891.
	Kanarese	28th January, 1891.
Bengal	Bengali	27th January, 1891.
	Hindi	3rd February, 1891.
	Uriva	5th February, 1891.
North-Western Provinces and Oudh	Urdu	7th February, 1891.
Punjab	Kanarese	12th February, 1891.
Coorg		2nd February, 1891.

5. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

ANDREW R. SCOBLE.
PHIL. P. HUTCHINS.
K. L. NULKAR.
H. W. BLISS.

The 5th March, 1891.

I dissent from the report adopted by the majority of the Committee and append a

Schedule.

From Chief Secretary to Government, Madras, No. 10 Judicial, dated 6th January, 1891, and enclosures [Papers No. 1].

Telegram from Secretary, Sherpur Landholders' Association, Mymensingh, dated 16th January, 1891 [Paper No. 2].

From certain Inhabitants of Satara, dated December, 1890 [Paper No. 3].

From Officiating Chief Secretary to Government, Bengal, to Government of India, Home Department, No. 437 J, dated 8th November, 1890, and enclosures [Papers No. 4].

From the Maharaja of Travancore, dated 17th January, 1891 [Paper No. 5].

Memorial of certain Hindu Inhabitants of Akola, Berar [Paper No. 6].

From Joint Secretary, Loka Hitechhu Sabha, Broach, No. 7, dated 21st January, 1891, and enclosure [Papers No. 7].

From Mr. A. Sankariah, President-Founder, Hindu Sabha, Trichoor, dated 22nd and 28th November, 1890, and 14th, 17th and 24th January, 1891 [Papers No. 8].

From Secretary to Government, Bombay, No. 5837, dated 22nd October, 1890, and enclosures [Papers No. 9].

From Secretary to Government, Bombay, No. 7257, dated 30th December, 1890, and enclosure [Papers No. 10].

Memorial from certain Hindu Inhabitants of the City of Poona, dated 26th October, 1890 and appendix [Papers No. 11].

From Secretary for Berar to Resident, Hyderabad, No. 50, dated 7th February, 1891, and enclosures [Papers No. 12].

From Secretary to Chief Commissioner, Coorg, No. 288—14 91, dated 7th February, 1891 [Paper No. 13].

Note by Babu Kanya Lall Mookerjee, Vakil, Calcutta [Paper No. 14].

From Secretary, Sadharani Sabha, Bali, dated 2nd February, 1891, and enclosures [Papers No. 15].

From Khan Bahadur, Muhammad Ali Khan, dated 19th February, 1891 [Paper No. 16].

From Chief Secretary to Government, Bengal, No. 677 J, dated 13th February, 1891 and enclosures [Papers No. 17].

From Agent to Governor General in Baluchistan, No. 901, dated 14th February, 1891 [Paper No. 18].

From Rajah Pardi Mohun Mukerji, C S I., dated 19th February, 1891, and enclosures [Papers No. 19].

From the Maharajah of Sonbursa, dated 15th February, 1891 [Paper No. 20].

Memorial of inhabitants of Bhowanipore and Kalighat and other places in the Suburbs of Calcutta, and enclosure [Papers No. 21].

From Babu Mohini Mohun Gupta, Pleader, District Court, Krishnaghur, dated 17th February, 1891, and enclosure [Papers No. 22].

From Chief Commissioner, Ajmere-Merwara, No. 352 C, dated 16th February, 1891, and enclosure [Papers No. 23].

From Secretary for Berar to Resident, Hyderabad, No. 62, dated 16th February, 1891, and enclosure [Papers No. 24].

From Officiating Junior Secretary to Chief Commissioner, Burma, No. 508—2 L, dated 21st February, 1891, and enclosure [Papers No. 25].

From Secretary to Government, Bombay, No. 1152, dated 23rd February, 1891, and enclosures [Papers No. 26].

From Officiating Junior Secretary to Government, Punjab, No. 238, dated 24th February, 1891, and enclosures [Papers No. 27].

From Secretary to Chief Commissioner, Assam, No. 28 T, dated 24th February, 1891, and enclosures [Papers No. 28].

From Secretary to Government, North-Western Provinces and Oudh, No. 499, dated 26th February, 1891, and enclosures [Papers No. 29].

From Officiating Secretary to Chief Commissioner, Central Provinces No. 1162—132, dated 24th February, 1891, and enclosures [Papers No. 30].

From Registrar, High Court, Calcutta, No. 784, dated 2nd March, 1891, from ditto, No. 790, dated 2nd March, 1891, and enclosures [Papers No. 31].

Petition from the Aryan Ladies' Association, Poona [Paper No. 32].

Petition of certain Parsi and Native Christian Ladies of Poona, dated 23rd February, 1891 [Paper No. 33].

From Chairman of Public Meeting, held at Bombay, on 22nd February, 1891, and enclosure [Papers No. 34].

From Rao Bahadur, Kantes Chunder Mookerjee, Jeypore, dated 28th February, 1891 [Paper No. 35].

Office Memo. from Government of India, Home Department, No. 289, dated 27th February, 1891, and enclosure [Papers No. 36].

From Government, Bengal, No. 900 J, dated 27th February, 1891, and enclosures [Paper No. 37].

Note by Pandit S. Rama Misra Sastri, Professor of Hindu Philosophy, Government College, Benares, and President of the Literary Society of Benares Pandits [Paper No. 38].

A large number of memorials and telegrams in favour of and opposing the Bill.

SINCE its introduction into the Council, this Bill has been subjected to an exhaustive criticism and to a searching examination by the public as regards its principle and details from almost every point of view. After bestowing careful consideration upon all that has been said for and against it, I am still of opinion that the proposed amendment of the exception to section 375, Indian Penal Code, is likely to cause more harm than good.

I think it is indisputable that any measure which has the slightest tendency to disturb the harmony of the marriage relation ought not to be adopted by the Legislature until its utility has been established beyond all reasonable doubt. I therefore propose to consider first the question of utility, or, in other words, whether the proposed amendment is likely to produce any practical good results.

In dealing with this question I shall assume at the outset that the vice of premature intercourse by husbands with girl-wives exists to a culpable extent in Bengal. This assumption, so far as my knowledge of Hindu society in Bengal goes, is not fairly tenable.

Assuming that this evil exists, is it likely that the proposed law will remedy it to any appreciable degree? In answering this question it must be remembered that this vice (if it exists) has grown up notwithstanding that the Hindu *Shastras* denounce it in strong terms as sinful. If, notwithstanding the interdiction of the *Shastras*, the evil exists, it must be due to a vicious practice which the influence of the *Shastras* has not been able to control. That being so, it is not probable that the proposed law will have the effect of checking this pernicious practice, as, in my opinion, the law will remain a dead-letter. In cases where fatal injuries are caused to girl-wives, it would not be necessary to invoke the aid of the proposed law, as in these cases the provisions of the existing law are sufficient to visit the brutal offender with condign punishment.

In other cases it must be a dead-letter, because the offence when committed could be established by the evidence of the unfortunate wife only, and she would rather suffer silently than come forward to denounce her husband in open Court, however brutal his conduct might appear even to herself. The position of the wife in a case of this nature would be most unfortunate, because, besides suffering from the brutal conduct of her husband, she would have to give her testimony in open Court regarding facts which she would not willingly disclose even to her own mother. Then, again, if she spoke the truth, her position would be worse than that of a widow. On the other hand, if she deposed falsely, there would be the terror of punishment for perjury before her. A position like this is certainly most unfortunate. Were it possible for us to ascertain the wishes of the very persons for whose benefit the Bill is introduced, I feel sure that they would be the first to demand its withdrawal if they could only realise the lamentable position in which they would be placed in the event of the law being vigorously worked. The proposed measure is clearly calculated to defeat its own avowed object by depriving the child-wife of the protection of her own lawful protector in every instance, without exception, in which the law is to be operative. In fact, the result of the amendment in question would be to punish the victim of the offence more severely than the offender himself.

After the most searching enquiry not a single case resulting in conviction of a husband for rape during the last thirty years has been found out. The exception to section 375, Indian Penal Code, has been a dead-letter, and its proposed amendment will, I think, be equally a dead-letter.

If, as shown above, the proposed amendment is not likely to have any direct result, then its utility must be established on some other ground.

Upon this point the Hon'ble Member in charge of this Bill, when moving for leave to introduce it, said :—

"The other objection is that legislative action is not likely to have much direct result. This may be so; but for my part I shall be content if the effect of legislation is mainly educative—if it strengthens the hand of fathers of families for the protection of their daughters, and modifies custom so as to diminish the opportunities and incentives which are now afforded for indulgence in this pernicious practice. I cannot, moreover, forget it was pointed out long ago by Dr. Chevers that the existing law has done mischief to those whose interest it was designed to protect, by fixing too low an age; and I agree with the late Lieutenant-Governor of Bengal in the opinion that though it may not be probable or even desirable that many cases will be brought into Court, yet, if the enforcement of the husband's rights upon a girl below twelve years of age is stigmatised by the law as rape, and it is publicly recognized that those who abet such assaults render themselves liable to punishment, a great improvement will surely be effected not only in the condition of the class for whose protection the Bill is primarily designed, but in the physical and social well-being of the people at large."

Is there any reasonable hope for expecting that these results will follow? In considering this question we must remember that the proposed measure has met with the strongest opposition from the people for whose benefit it is intended. If it be passed into law, it would be forced upon them as a measure of reform. That being so, the inevitable result would be that an unhealthy sympathy would be created in favour of the breakers of the law. When a reform is forced upon an unwilling people, the feeling of position which

is aroused necessarily blinds them to the benefits of the reform. And the case becomes worse when opinions are arrayed in strength both for or against any particular measure. At all events, the effects of legislation are neutralised when it is opposed to opinion of those on whom it has to be enforced. In these cases constant endeavours are made to evade the law; and especially it would be so in this case, as it would be quite evident to them that it could be evaded with perfect impunity. Recourse to subterfuges, falsehoods and even to forgeries would be had to protect the offender, even from a prosecution. Far from modifying the practice referred to in the above extract, the new law would induce the bulk of the people to have recourse to all possible devices to make it a dead-letter, as it is considered by them to be an interference with their religion.

In the Penal Code for the last thirty years the limit of the so-called "age of consent" has been ten years. Has this provision produced any educative effect? Has it ever been appealed to by the fathers of the families for the protection of their daughters? Or has it deterred people from continuing the pernicious custom of putting child-wives under ten years of age in the same bed with their boy-husbands? As the existing law has been a dead-letter and productive of no results, the proposed amendment, in my opinion, would be equally a dead-letter and productive of very little benefit.

I do not mean to say that in no case the proposed measure would have any beneficial results. In a small number of cases it would, I think, strengthen "the hands of fathers of families" for the protection of their daughters; and also in an infinitesimally small number of cases fathers would be induced not to marry their girls till they attain twelve years of age, notwithstanding the injunction of the comparatively modern Hindu *Shastras* that a father who does not marry his daughter before she attains puberty commits a sin of a very grave character. But persons of this class do not stand in need of educative influence, and in their minds they are already convinced of the reprehensible nature of the practice. But there is a large class of Hindus who sincerely uphold the custom regarding the age of marriage and the time of the *Garbadhan* ceremony as enjoined by the *Shastras*. It seems to me that the educative effect of the proposed measure will not affect them in the least degree. Comparing, however, the good results with the demoralising effects, the latter will be found to outweigh the former.

This objectionable feature of the proposed measure has been so forcibly put by Mr. T. N. Mukerjee in his very able note on this Bill that I cannot do better than extract the following passage from it.—"We must not overlook," he says, "what would be the hard case of thousands of males, chiefly of the low castes. These poor fellows, possessing only one hovel, have to live alone with their child-wives, because under the existing marriage system they have no chance of procuring grown-up girls recognised by law as adults. All in a day the law will not turn them into saints, and it may blight their young lives by seven years' imprisonment with hard labour for one single instance of momentary weakness, under one of the most trying temptations to which flesh is subject. The protection of young girls from cruel treatment is as much a necessity as the protection of young men from a temptation of the most trying description. Puritanic reformers, who, viewing the world in the light of their own iron-heartedness, fail to sympathise with the weakness and imperfect nature of their fellow-beings, may say that these men ought not to marry, ought not to bring to their solitary homes girls under age. Exactly the same view is being insisted upon here, only tempered with mercy and sympathy for the weak nature of human flesh. It should be remembered that the higher the age of consent or consummation is raised by law, the stronger grows the temptation before the husband, the weaker the nature's resistance to the commission of the crime, and the greater the impunity. The fear, therefore, may not be unreasonable that a measure simply raising the age of consent or consummation will have the tendency to turn the whole race into a race of *undetected* criminals." Mr. Mukerjee's view is that the most appropriate remedy for the evil is by raising the marriageable age by legislation.

In the third paragraph of this note I have *assumed* that the vice of premature intercourse by husbands with girl-wives exists in Bengal to a culpable extent. But really what exists is this. Amongst people of the higher castes girls are generally married between the ages of nine and eleven. Amongst people of the lower castes marriageable age is still lower. The girls go immediately after marriage to their husbands' house and stay there for a week or so. Before they attain puberty they occasionally visit their husbands' house and make a stay for temporary periods. Whenever they visit their husbands' house, the general practice in Bengal is to allow the young couple to sleep together at night. This is all that comes under the observation of the other members of the family.

It has been stated by a few Indian gentlemen who were consulted by the Government before this Bill was introduced that during this period intercourse takes place. In matters of this kind accurate information is hard to find, and wide generalizations are apt to be formed upon very insufficient data. But it seems to me that if the statements were well founded many cases of bodily injury would have come to light. The unanimous

testimony of Indian practising physicians in Calcutta of all standings is to the effect that during their practice not a single case of bodily injury to a *married* girl came to their knowledge. European medical men who practise in Calcutta (as far as I remember) have not been able to refer to any such case which came to their knowledge. I think, therefore, that this statement has been made on insufficient data and is not fairly tenable.

But the practice of allowing the young couple to sleep together before the wife attains puberty is certainly pernicious. Speaking for myself I would extend the restriction to a maturer age. This is a moral evil which, for the reasons given before, would not, in my opinion, be remedied in any appreciable degree by the proposed measure.

But the greater evil from which the females of the communities in which the custom of early marriage prevails suffer is premature maternity. Among other consequences it throws upon young girls of thirteen and fourteen years of age the burden of maternity when they are physically, mentally and morally quite unfit to take it upon themselves. The result is that it takes them a long time to recover from the shock which their constitution receives by early child-bearing. It is a common instance to find a girl who has scarcely completed her sixteenth year to have become a mother of two or three children. Allowance has to be made for what care is gladly taken by the mother or mother-in-law of the child-mother. Nevertheless, the burden is very injurious to the health of the latter.

On the other hand, those who advocate early marriage contend that its advantages far outweigh the evil effects which have been shown in the preceding paragraph. They point to its adaptability to the economic conditions of the people, and insist upon the circumstance that it ensures sexual purity of character.

It would not serve any practical purpose to discuss this question in this note. But it appears to me that the proposed measure would not be efficacious in removing the evils pointed out above, especially as, in a vast majority of cases, conception takes place after the age of twelve.

I shall now proceed to state in what respects, in my opinion, the Bill, if it be passed, ought to be modified. I shall first deal with the modification which, in my opinion, is necessary to meet the religious objection that has been raised.

It has been said that, according to the true readings of the *Shastras*, the alleged religious difficulty does not really exist. I do not think that the Legislature as at present constituted can satisfactorily deal with the question of the *Shastras*. It can be satisfactorily dealt with only by experts. Many experts have submitted their views, but in my opinion the Legislature as at present constituted is not competent to say which opinion is correct.

There cannot be any doubt that, according to the current interpretation of the *Shastras* given by the Bengal Pandits, such as Pandit Ishwar Chandra Vidyasagar and M. M. Mohesh Chandra Nyaratna, the religious objection taken does really exist. To meet this objection what has been proposed is that the criminal liability of a husband shall cease when a girl attains puberty.

There is no disagreement at all between the injunction of the *Shastras* and the principle upon which the Bill is based. Both forbid the consummation of marriage before puberty. The only difference is that the *Shastras* fix a certain physical condition on the occurrence of which a girl should be deemed to have attained puberty. The Bill in question fixes this time when a girl completes her twelfth year. Quite apart from the religious objection, it seems to me that on purely physiological consideration the view entertained by the *Shastric* authorities is more reasonable. Speaking for myself, I should say that consummation of marriage before the age of fifteen or sixteen ought to be held reprehensible. But, in the absence of such unmistakable age-criterion of maturity I think that, between the age of twelve and the occurrence of the particular physical condition, the latter is a better test of fitness for the consummation of marriage than the former. Puberty is a certain point in the physical development of a human being. And, if the time for consummation of marriage is to be fixed at an earlier period of life as a concession to popular and *Shastric* opinion on the subject, it would be much better to fix it when a certain point in physical development is *actually* reached than the hard-and-fast limit of twelve years. A girl of eleven may be more physically developed than a girl of even thirteen. No valid reason appears to me why it should be considered that in all cases a girl of twelve is more physically developed than a girl of eleven.

But it seems to me that the view of the *Shastras* is the view which has been substantially adopted in the Bill, though expressed in a way which makes it inconsistent with their injunction in certain cases.

The Hon'ble Member in charge of the Bill, when moving for leave to introduce it, said on this point:—

"The question then remains—What ought that limit to be?

"The proposal of the Bill is to draw the line at twelve years. This is the age which had been advocated by the social reformers who have done so much to educate public opinion on the subject. And there appear to be valid

reasons for the recommendation. It is in accordance with the practice which already prevails in some parts of India. In a numerously signed petition from Poona against raising the age of consent, it is stated that consummation of marriage seldom takes place before the girl is twelve years old. In Madras it is alleged that premature cohabitation is rare occurrence, and in the Punjab conjugal life ordinarily begins after sexual maturity. The Hindu law, as I have already shown, while enjoining the marriage of girls before they attain puberty, strictly prohibits the consummation of marriage before puberty is attained. According to Muhammadian law 'puberty and discretion constitute the essential conditions of the capacity to enter into a valid contract of marriage.' With both the great divisions of the population in India, the attainment of puberty may be taken as determining the appropriate age for consummation of marriage. *When, then, is the period at which, in the ordinary course of nature, puberty is commonly attained by girls in India?* There has been much discussion on this subject among medical men, and many are of opinion that a girl is not competent physically or mentally to give her consent to sexual intercourse until she has completed fourteen years of age. But to adopt this limit would be to involve too abrupt a fundamental revolution in the social life of India and to attempt to enforce it by legislation would almost certainly fail of its object. I prefer to submit for the approval of the Council the more moderate view expressed by Dr Macleod in the paper from which I have already quoted. Speaking of the period of life at which sexual maturity is attained, he says:—

'Hitherto the appearance of menstruation has been held to indicate this epoch in the life of a female; and, allowing for the present that it does so in the great majority of cases, what evidence do we possess regarding the age at which menstruation commences in the females of this country? Sushruta, the Hindu sage and physician, lays down that the menstrual discharge begins after the twelfth year, and that is the age laid down for marriage by the great Hindu law-giver Manu. Dr. Allen Webb collected statistics on the subject, and the result, as stated in his *Pathologia Indica*, was that "out of a list of 127 Hindu females, menstruation began only in six girls under twelve years of age; and as many of them did not begin menstruate until a year after this, which they believed a first appearance, it is probable, as suggested by Babu Madhusudan Gupta, that a ruptured hymen would better account for that." I am not aware of any other statistics on this subject, but twelve years may, I think be accepted as the earliest period of appearance of the menses, and probably thirteen would be a safe average. In England, fourteen years is held to be the most frequent age of menstruation, and it is held by law to be a felony to have sexual intercourse with a girl below that age. Making all due allowance for climatic and racial differences, and bearing social customs in mind, it would seem reasonable and right that the age of protection should be raised in this country from ten to twelve.'

"On the ground, therefore, that the age of twelve years approximately may be considered as the average age for consummation of marriage both according to law and custom, on the one hand, and, on the other, as the lowest safe age as regards physical fitness, I venture to think that the line may be drawn at that age without doing violence to any respectable social usage or to the religious law of any portion of the community. And, though this age may be considered by some too low, it must be borne in mind that, while this amendment of the law will afford absolute legislative protection to girls up to the age of twelve years, the remedies of the existing law in regard to cases of brutality will remain available to girls above that age."

The whole argument in the above extract amounts to this. For the purposes of this Bill we shall take it that puberty is attained when the oft-mentioned physical condition occurs, and that the age of twelve years approximately may be considered as the average age at which that condition occurs.

This argument evidently proceeds upon the basis that a girl attains puberty when the particular physical condition occurs in her. That being so, the suggestion that has been made, namely, to draw the line at the higher age of thirteen, making an exception in the case of the occurrence of the particular physical condition at an earlier age, seems to me to be not open to any tenable objection. This would meet the religious difficulty completely. Again, this would have the advantage of postponing the consummation of marriage in a large majority of cases, as will appear from the opinion of medical officers consulted by the Bengal Government.

Brigade Surgeon R. C. Chandra says:—

"But in the majority, so far as I have seen, regular menstruation commences between twelve and thirteen, and sometimes later on."

Surgeon-Major F. C. Nicholson says:—

"I find that out of 68 cases of first menstruation I have collected, 49 occurred at thirteen and over, while only 19 occurred before this age."

Surgeon-Major B. Gupta says:—

"(a) Without discussing the subject at length, I shall state my opinion that the majority of girls in these provinces arrive at puberty between twelve and fourteen years of age the largest number on the completion of the thirteenth year. In support of this opinion I shall quote some English authorities. Dr. Graily Hewitt, of London, says in his work on the Diseases of Women: 'The age during which the catamenial discharge occurs is open to certain variations, but, as a rule, it begins during the age of fourteen and sixteen.' This refers to English women. Again he says: 'The mean age of the commencement of the catamenia appears to be about two years earlier in the warmer than in the more temperate climates. Thus in India the mean age in 597 cases collected by Robertson was thirteen years.' Dr W. S. Playfair, of London, in his treatise on the Science and Practice of Midwifery, volume I, page 68, says: 'In temperate climate it (catamenia) generally commences between the fourteenth and sixteenth year, the largest number of cases being met with in the fifteenth year.' Again, the same authority says: 'There can be no doubt, however, that a larger proportion of girls menstruate early in warm climates. Joulin found that in tropical climates out of 1,365 cases the largest proportion begin to menstruate between the twelfth and thirteenth year, so that there is an average difference of more than two years between the period of its establishment in the tropics and in the temperate countries.' The same authority again states: 'Hans states that among the Hindus 1 to 2 per cent menstruate as early as nine years of age; 3 to 4 per cent at ten; 8 per cent. at eleven; and 25 per cent at twelve.' These figures account for 39 per cent only, the obvious inference, therefore, is that the remaining 61 per cent menstruate after twelve years of age."

From these extracts it is clear that the amendment suggested would not only meet the religious difficulty entirely, but at the same time would have the advantage of postponing the consummation of marriage in the majority of cases by one year more.

Then, again, the reason which led the Hon'ble Member in charge of the Bill not to draw the line at fourteen recommended by the majority of the medical experts consulted would exactly support the adoption of this amendment. Referring to the age of fourteen he says : " But to adopt this limit would involve too abrupt a fundamental revolution in the social life of India, and to attempt to enforce it by legislation would almost certainly fail of its object." For the same reason the proposed suggestion ought to be adopted.

Then, again, the want of knowledge of the precise age of a girl amongst the poorer classes of the community would render it difficult to an honest man to act according to the provisions of the proposed amendment. But with the modification suggested this difficulty would cease to exist.

It has been said that puberty cannot be satisfactorily proved. I think that it admits of more satisfactory proof than age in this country. In a true case under the proposed law there cannot be conviction unless the wife gives her evidence, and truthfully gives her evidence, against her husband. All the essential facts cannot be proved by any other witness ; medical evidence being out of the question, as it will not be available when she refuses to be examined. If, therefore, the wife's evidence be indispensable for a conviction in a true case, her evidence, which is the best that can be conceived, will be forthcoming to prove or disprove puberty.

In this reasoning I have excluded from my consideration the case of bodily injuries terminating fatally. The existing law seems to me to be sufficient to punish the brutal offender in a case of this nature. Besides the case of Hari Maiti, another case (Kali Churn Keora decided in the year 1877 on a reference from the Sessions Judge of Hooghly), referred to by Mr. Monmohun Ghose and decided by the Hon'ble Louis Jackson and the Hon'ble S. White, J. J., supports this view. In this latter case the learned Judges convicted the husband of having voluntarily caused grievous hurt to his wife. They were of opinion that a full grown adult must be held to have known that by his act he was likely to cause hurt to his immature wife.

Furthermore, the attainment of the age of puberty amongst the Hindus is followed by certain religious rites which will afford the required evidence in a judicial investigation.

The next modification that has been suggested, and which I think is reasonable, is that a premature consummation of marriage should not be treated as rape. It has been already pointed out that, according to the English law, "the husband cannot be guilty of rape committed by himself upon his lawful wife." Whether this rule of law should be followed in this country was actually considered by Lord Macaulay and his colleagues in 1837 in drafting the Indian Penal Code. They were of opinion that sexual intercourse by a man with his own wife should in no case be considered rape. In 1846 the Law Commissioners, who were not Lord Macaulay's colleagues, introduced the present provision proposing at first the limit at nine years, which limit they afterwards raised to ten years. I find that, after this alteration was suggested by the Law Commissioners in 1846, Mr. J. M. Macleod, one of the colleagues of Lord Macaulay, in a note written by him in 1848 on the Report of the Law Commissioners of the year 1846, observed as follows :—

" Two questions of considerable difficulty are here touched on ; they have been brought forward now by observations and suggestions offered by Mr. J. C. Thomas. They did not escape attention, but, on the contrary, were very carefully considered in preparing the Code. Mr. Thomas' remarks on them are sensible, but contain nothing which had not been seen and weighed. It was deemed on the whole unadvisable either to extend the fourth description of rape so as to include any class of cases in which the woman is not married, or to narrow the rule that sexual intercourse by a man with his own wife is in no case rape by excepting from it the fifth description of that crime. And that conclusion still appears to me to have been right. I feel the force of the objections to which the proposed law on these points as it stands is liable ; but, when I reflect on the social condition of India, they appear to me to be outweighed by the evils to which the suggested alterations would afford openings ; and I feel satisfied on this, which I confess, weighs a good deal with me, that the law as it has been framed, if it is faulty, errs on the safer side."

This was the view taken by Mr. Macleod, and it further appears that in this view Lord Macaulay agreed. I find this in a preface written by Mr. Macleod to his note. In the last paragraph of this preface, Mr. Macleod, referring to Lord Macaulay, says :—" I have great satisfaction in being authorised by him now to state that he has carefully read the following notes, and that he fully agrees with them."

It is clear, therefore, that Lord Macaulay and his colleagues were of opinion that sexual intercourse by a man with his own wife should in *no case* be rape. I have already pointed out that the existing provision in the Indian Penal Code on this subject is an anomaly. It is proposed now to emphasise that anomaly by raising the limit of age to

twelve years, on the ground that premature sexual intercourse by a man with his own wife prevails in this country to a culpable extent. Having regard to the weight that is justly due to such a high authority as Lord Macaulay, the question whether premature sexual intercourse by a man with his own wife should in any case be considered rape requires careful consideration, notwithstanding the Legislature eventually adopted the recommendation of the Law Commissioners made in their report of the year 1846. In considering this question it will be convenient to note that the evils arising from premature consummation of marriage may be classed under two heads: "(I) The direct and immediate results which relate to physical injuries culminating sometimes in death. (II) The indirect and remote results which include premature maternity and physical degeneracy as well as the demoralisation of both husband and wife." It seems to me that cases which fall under the first class are crimes, and that the ordinary provisions of the Penal Code relating to hurt, grievous hurt and causing grievous hurt or death by a rash and negligent act are sufficient to punish the offender adequately. (See the case of *Hari Maiti* and *Kali Churn Keora* referred to above.) If, notwithstanding these two decisions, the provisions of the Penal Code are considered not to be sufficient, they may be amended, in order that guilty persons might not escape.

But to group the second class in which no physical injuries result in the same category with rape seems to me to be unreasonable. The moral delinquency involved in a case which falls under this class is not, in my opinion, of such a grave character as to be punishable with the severe punishment provided for rape. I doubt whether this class of moral delinquency should be characterised as a *crime* and not as a *vice*; but, conceding that it may be characterised as a crime, it seems to me to be unreasonable to class it with rape. If it should be made an offence at all, certainly the punishment that should be provided for it should be much lighter than the punishment of rape.

There is a considerable difference between the culpability of a person who outrages his girl-wife and that of a stranger who is guilty of the offence of rape. The proposed Bill does not make this distinction, which, in my opinion, ought to be made. The punishment provided in section 376 of the Indian Penal Code appears to me very much out of proportion to the culpability that attaches to the act of a husband who consummates his marriage with his wife who has not attained puberty, where no bodily injury follows. For bodily injuries, I have already said, the provisions of the Penal Code are stringent enough to punish the brutality of the husband.

The last modification I would propose is that the Criminal Procedure Code as regards this offence should be so modified as to allow the commencement of the proceedings against a husband for the offence of premature consummation of marriage not followed by bodily injury, only on the complaint of the wife herself, or of a person who would be her guardian if the marriage did not take place.

It has been said that this provision would make the law completely inoperative. The answer to this argument is that the proposed law cannot but be inoperative, unless the wife gives evidence incriminating the husband, and she, in my opinion, should not be forced against her will to appear as a witness against her husband, the result of which will be to her a life of perpetual widowhood. Then, again, a prosecution followed by an acquittal in a case of this nature will cause great public scandal, and bring disgrace upon the family to which both the husband and wife belong, for no practical good. Such acquittals will increase very much the unpopularity of the measure. But, if the wife will come forward to complain against her husband, there might be a chance of conviction. Furthermore, a guardian of the minor wife will not move the Court unless she herself openly complains of the ill-treatment which she has received from her husband. This modification will, therefore, limit the operation of the law in such a way that it will allow only those cases to be brought before the Court in which there will exist some chance of conviction.

ROMESH CHUNDER MITTER.

5th March, 1891.

No. II.

A Bill to amend the Indian Penal Code and the Code of Criminal Procedure, 1882.

XLV of 1860. WHEREAS it is expedient to amend the Indian Penal Code and the Code of Criminal Procedure, 1882; It is hereby enacted as follows:—

Indian Penal Code.

XLV of 1860. 1. In section 375 of the Indian Penal Code, Amendment of section 375, *Act XLV, 1860.* in the clause marked *Fifth-
tion 375, Act XLV, 1860.* by and in the *Exception,* the word "twelve" shall be substituted for the word "ten".

Code of Criminal Procedure, 1882.

Addition of section 561. 2. After section 560 of after section 560, *Act X, 1882.* the Code of Criminal Procedure, 1882, the following shall be added, namely:—

"561. (1) Notwithstanding anything in this Code, no Magistrate except a Chief Presidency Magistrate or District Magistrate shall—

(a) take cognisance of the offence of rape where the sexual intercourse was by a man with his wife, or

(b) commit the man for trial for the offence:—

"(2) And, notwithstanding anything in this Code, if a Chief Presidency Magistrate or District Magistrate deems it necessary to direct an investigation by a Police-officer with respect to such an offence as is referred to in sub-section (1) of this section, no Police-officer of a rank below that of Police Inspector shall be employed either to make, or to take part in, the investigation."

3. In Schedule II to the said Code, for the X of 1882. entry respecting section 376 of the Indian Penal Code the following shall be XLV of 1860. substituted, namely:—

Column 1.	Column 2.	Column 3.	Column 4.	Column 5.	Column 6.	Column 7.	Column 8.
376	Rape— If the sexual intercourse was by a man with his own wife.	Shall not arrest without warrant.	Summons	Bailable.	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
	In any other case	May arrest without warrant.	Warrant.	Not bailable.	Ditto.	Ditto.	Ditto.

S. HARVEY JAMES,
Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 14, 1891.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General of India for making Laws and Regulations, or Reports of Select Committees presented to the Council.

GOVERNMENT OF INDIA,

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to repeal certain Obsolete Enactments and to amend certain other Enactments was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 13th March 1891:—

WE, the undersigned, Members of the Select Committee to which the Bill to repeal

From Mr. A. M. Sabhapathi Mudaliar, Masulipatam, dated 7th November, 1890 [Paper No. 1].

To Military Department, No. 1890, dated 28th October, 1890; from ditto, No. 2111C., dated December, 1890, and enclosures [Papers No. 2].

To Finance and Commerce Department, No. 1893, dated 28th October, 1890, and annexure, from ditto, No. 5775, dated 11th December, 1890 [Papers No. 3].

From Officiating Registrar, High Court, Calcutta, No. 2828, dated 18th December, 1890 [Paper No. 4].

From Chief Commissioner, Coorg, No. 1918—222-90, dated 13th December, 1890 [Paper No. 5].

From Resident, Hyderabad, No. 431, dated 22nd December, 1890 [Paper No. 6].

From Agent to Governor General in Baluchistan, No. 6698, dated 15th December, 1890 [Paper No. 7].

From Chief Commissioner, Ajmere-Merwara, No. 172C, dated 27th December, 1890 [Paper No. 8].

To Government, Punjab, No. 1881, dated 28th October, 1890, and appendix; from ditto, No. 1118, dated 27th December, 1890, and enclosures [Papers No. 9].

To Chief Commissioner, Central Provinces, No. 1882, dated 28th October, 1890, and appendix; from ditto, No. C.—2, dated 1st January, 1891, and enclosures [Papers No. 10].

To Agent to Governor General in Central India, No. 1895, dated 28th October, 1890; from ditto, No. 90G., dated 7th January, 1891 [Papers No. 11].

To Government Madras, No. 1877, dated 28th October, 1890, and appendix; from ditto, No. 29 (Judicial), dated 7th January, 1891, and enclosures [Papers No. 12].

From Government, Punjab, No. 53, dated 17th January, 1891, and enclosure [Papers No. 13].

To Home Department, No. 1892, dated 28th October, 1890, and annexure; from ditto, No. 152, dated 2nd February, 1891 [Papers No. 14].

To Government, Bombay, No. 1878, dated 28th October, 1890, and appendix; from ditto, No. 577, dated 24th January, 1891, and enclosures [Papers No. 15].

From Government, Madras, No. 244 (Judicial), dated 5th February, 1891 [Paper No. 16].

To Chief Commissioner, Burma, No. 1883, dated 28th October, 1890, and appendix; from ditto, No. 287.—22L, dated 20th January, 1891, and enclosures [Papers No. 17].

To Solicitor to Government of India, No. 205, dated 26th January, 1891; from ditto, No. 120, dated 10th February, 1891, and enclosure [Papers No. 18].

To Foreign Department, No. 1891, dated 28th October, 1890, and annexure; from ditto, No. 736L, dated 14th February, 1891 [Papers No. 19].

To Government, North-Western Provinces and Oudh, No. 1880, dated 28th October, 1890, and appendix; from ditto, No. 396, dated 14th February, 1891, and enclosures [Papers No. 20].

To Government, Punjab, No. 281, dated 6th February, 1891; from ditto, No. 228, dated 21st February, 1891, and enclosure [Papers No. 21].

To Government, Bombay, No. 436, dated 19th February, 1891, and enclosure; telegram from ditto, No. 1199, dated 25th February, 1891 [Papers No. 22].

To Government, Bengal, No. 1879, dated 28th October, 1890, and appendix; from ditto, No. 970L, dated 3rd March, 1891, and enclosures [Papers No. 23].

To Chief Commissioner, Assam, No. 1884, dated 28th October, 1890, and appendix; from ditto, No. 134L, dated 13th January, 1891 [Papers No. 24].

To Revenue and Agricultural Department, No. 1894, dated 28th October, 1890, and appendix; from ditto, No. 145—42-2G., dated 2nd January, 1891; from ditto, No. 402—42-4G., dated 17th February, 1891 [Papers No. 25].

certain Obsolete Enactments and to amend certain other Enactments was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as revised by us annexed thereto.

2. Some new matter has been added to the schedules, and, in deference to the wishes of local authorities, certain entries which appeared in the schedules as originally framed have been removed.

3. The publication ordered by the Council has been made as follows:—

In English.

<i>Gazette.</i>	<i>Date.</i>
Gazette of India	18th October, 1890.
Port Saint George Gazette	9th December, 1890.
Bombay Government Gazette	23rd October, 1890.
Calcutta Gazette	15th November, 1890.
North-Western Provinces and Oudh Government Gazette	1st November, 1890.
Punjab Government Gazette	30th October, 1890.
Central Provinces Gazette	1st November, 1890.
Burma Gazette	15th November, 1890.
Assam Gazette	15th November, 1890.
Coorg District Gazette	1st December, 1890.

In the Vernaculars.

<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
Bombay	Marathi	27th December, 1890.
	Gujarathi	27th December, 1890.
	Kanarese	8th January, 1891.

4. We do not think that the measure has been so altered as to require re-publication and we recommend that it be passed as now amended.

ANDREW R. SCOBLE.

H. W. BLISS.

ROMESH CHUNDER MITTER.

J. NUGENT.

The 11th March, 1891.

No. II.

A Bill to repeal certain Obsolete Enactments and to amend certain other Enactments.

WHEREAS it is expedient that certain enactments specified in the first schedule to this Act which are spent, or have ceased to be in force otherwise than by express specific repeal, or have by lapse of time or otherwise become unnecessary, should be expressly and specifically repealed;

And whereas it is also expedient that certain formal amendments should be made in the enactments specified in the second schedule to this Act;

It is hereby enacted as follows:—

1. (1) This Act may be called the Repealing Title, extent and com- and Amending Act, 1891. mendment.

(2) Save in so far as it applies expressly or by necessary implication to particular territory only, it extends to the whole of British India, inclusive of Upper Burma and British Baluchistan; and

(3) It shall come into force at once.

2. (1) The enactments specified in the first schedule are hereby repealed to the extent mentioned in the fourth column thereof.

(2) The enactments specified in the second schedule shall be modified to the extent and in the manner mentioned in the fourth column thereof; but nothing in this sub-section shall affect any Act passed after this Act comes into force by the Governor of Madras in Council, the Governor of Bombay in Council, the Lieutenant-Governor of Bengal in Council or the Lieutenant-

Governor of the North-Western Provinces and Oudh in Council.

(3) The modifications hereby made in the Foreign Jurisdiction and Extradition Act, 1879, ^{XXI of 1879.} section 6, and the Cantonments Act, 1889, ^{XIII of 1889.} section 19, shall have effect as from the commencement of those Acts respectively.

3. The repeal by this Act of any enactment shall not affect any Statute, Savings. Act or Regulation in which such enactment has been applied, incorporated or referred to;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized or derived by, in or from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment provide or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

S. HARVEY JAMES,
Secretary to the Government of India.

THE FIRST SCHEDULE.

ENACTMENTS REPEALED.

A description or citation of a portion of an Act or Regulation includes the words, section or other part mentioned or referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

Part I.—*Acts of the Governor General in Council.*

1	2	3	4
Year	No.	Subject or title.	Extent of repeal.
1835	II	Control of Officers in Assam, Arakan and Tenasserim.	So much as has not been repealed.
"	VI	Control of Officers in Khasi Hills and Cachar.	So much as has not been repealed.
"	XIX	Assistant to Agent for Sardárs, Dekkhan.	In section 1, <i>the words</i> and in the trial of such suits the Assistant shall follow the same rules which are now applicable to the Agent <i>and the words and figures</i> under the provisions of Chapter XXII, Regulation IV of 1827 of the Bombay Code.
1836	X	Indigo-contracts	The whole Act, so far as it applies to Assam.
"	XXVI	Camp Police	So much as has not been repealed.
1838	V	Bengal Bonded Warehouse.	<i>The words</i> And it is hereby enacted that, <i>wherever they occur</i> . In sections 3, 5, 7, 8, 9, 10, 17, 18, 20, 22, 23, 24 and 27, <i>the word</i> that <i>wherever it occurs after the word</i> and. In section 31, <i>the word</i> that <i>where it occurs after the word</i> but.
"	XXV	Wills	In sections 2 to 5, 7 to 29, and 31, <i>the words</i> And it is hereby enacted that. In section 2, <i>the words</i> except so far as relates to His Majesty's colonies and plantations in America. In sections 3 and 31, <i>the word</i> that, <i>wherever it occurs</i> . In section 4, <i>the word</i> that <i>where it occurs before the words</i> the power. In section 6, <i>the words</i> Provided also and it is hereby enacted that. Section 30.

THE FIRST SCHEDULE—*contd.*Part I.—*Acts of the Governor General in Council—contd.*

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1839	VII	Tahsildáis, Madras.	Section 4.
„	XXIV	Ganjam and Vizagapatam.	<i>In section 7, the word</i> fourth.
„	XXVII	Execution by the Court of Requests, Calcutta, of decrees of Courts of 24-Perigunnahs.	The whole.
„	XXIX	Dower . .	<i>In sections 2 to 10, 12 and 14, the words</i> And it is hereby further enacted that.
			<i>In section 11, the words</i> and it is hereby further enacted.
			<i>In section 15, the words</i> And it is hereby provided that.
			Section 13.
„	XXX	Inheritance .	<i>The words</i> And it is hereby further enacted that <i>and</i> And it is hereby further enacted and declared that, wherever they occur.
			<i>In section 7, the words</i> also that <i>and</i> the word that.
			<i>In section 13, the words</i> And it is hereby provided that.
1840	X	Temple of Jagannath.	So much as has not been repealed.
1841	XXIV	Illusory appointments, &c.	Section 4, so far as it relates to section 10 of the Statute 11 George IV & 1 William IV, chapter 47.
			Section 5, from or any proceedings to the end.
1842	IX	Lease and Release.	So far as it has not been repealed.
1844	VI	Land-customs, Madras.	<i>In the title, the word</i> abolishing, <i>the words</i> transit or <i>and the words</i> for revising the duties on imports and exports by sea, and for determining the price at which salt shall be sold for home consumption.

THE FIRST SCHEDULE—*contd.*Part I.—*Acts of the Governor General in Council—contd.*

1	2	3	4
Year	No	Subject or title.	Extent of repeal.
1846	I	Pleadeis . .	In section 6, <i>the words and figures</i> Section 25, Regulation XXVII, 1814, of the Bengal Code, Section 25, Regulation XIV, 1816, of the Madras Code; and.
			In section 13, <i>the numerals</i> VII.
1847	IX	Assessment of new lands.	In section 1, <i>the words</i> and that all such investigations pending before the Collectors and Deputy Collectors in the said Provinces at the said date shall forthwith be discontinued.
1848	X	Mandvee . .	So much as has not been repealed.
"	XVIII	Nawáb of Suiat.	Section 2.
			In the schedule, the names and descriptions numbered 1, 2, 3, 5, 6 and 7.
1850	XXV	Forfeited deposits	In the title, <i>the words and figures</i> and Act IV, 1846.
			In the preamble, <i>the words and judgment-debtors, the words and figures</i> and in Section V, Act IV, 1846, and <i>the words</i> in execution of decrees or.
"	XXXIV	State Prisoners .	Section 3.
1853	VI	Summary suits for arreats of rent, &c.	In the preamble, <i>the words and figures</i> from and whereas it is expedient to Act VIII, 1835, and <i>the words</i> from and to prevent to wrong district.
"	VIII	Colaba . .	So much as has not been repealed.
"	XIX	Evidence . .	In section 26, <i>the words</i> in addition to any proceedings under this Act.
1855	X	Witnesses . .	In the title, <i>the words and figures</i> and to amend the provisions of Section XL, Act XIX of 1853.

THE FIRST SCHEDULE—*contd.*Part I.—*Acts of the Governor General in Council—contd.*

1 Year.	2 No.	3 Subject or title.	4 Extent of repeal.
1855	XXIV	Penal Servitude.	In the title, <i>the words</i> and to amend the law relating to the removal of such convicts.
	XXXVII	Sonthal Districts.	In the preamble, <i>the words</i> and to amend the law relating to the removal of European and American convicts for the purpose of <i>impisonment</i> .
1856	XII	Civil Admins. Court	In section 1, <i>clause 1, the words</i> extend to or affect any case now pending in any Court, nor.
"	XIII	Police	In the preamble, <i>the words and figures from</i> and whereas to other agency.
"	XVIII	Collector of Calcutta.	Section 10, <i>from Whenever to the end.</i>
"	XX	Chaukidars	In section 1, <i>the words and figures from Sections XXII to the end.</i>
			In section 2, definition of "Local Government," <i>the words</i> in the possession and, <i>the words the East, and the word Company.</i>
			In section 3, <i>the words and figure</i> except as is otherwise provided by Section I of this Act.
			Form B in the schedule of Forms.
			In the preamble, <i>the words</i> should have charge of the collection of the stamp-duty within the town of Calcutta, and that he.
			Section 1.
			In section 3, <i>the words and figures</i> the said Regulation, or under Act XI of 1849, or.
			In sections 10, 21, 33, 34, 36 and 59, <i>the words</i> of Circuit.
			Section 60.

THE FIRST SCHEDULE—*contd.*Part I.—*Acts of the Governor General in Council—contd.*

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal
1856	XXII	Tolls, Karatoyá River.	In section 5, <i>the words and figures</i> Regulation I of 1824, or of.
1857	II	Calcutta University.	In section 1, <i>the words in the possession and, the words the East, and the word Company.</i>
"	IV	Tobacco, Bombay Town.	Section 2, <i>from and such duty to the end.</i> Section 5, <i>from The import-duty to the end.</i>
"	XIII	Opium . .	In the preamble, <i>the words that certain obsolete Regulations relating to the provision of opium should be formally repealed, and.</i>
"	XXI	Howrah .	Section 54, the second proviso. Section 58.
"	XXII	Bombay University.	In section 1, <i>the words in the possession and, the words the East, and the word Company.</i>
"	XXV	Forfeiture of property.	In the title, <i>the words to render officers and soldiers in the Native Army liable to forfeiture of property for mutiny, and.</i> In the preamble, <i>the words to render officers and soldiers in the Native Army, who shall be convicted of mutiny, subject to the forfeiture of all their property, and.</i>
"	XXVII	Madras University.	In section 1, <i>the words in the possession and, the words the East, and the word Company</i>
1858	III	State Prisoners .	Section 4. In section 5, <i>the words in the possession and, the words the East and the word Company.</i>
"	XXXVII	Nawáb of the Carnatic.	The preamble, <i>from and that to commencement of this Act.</i> Section 2. Schedules B and C.

THE FIRST SCHEDULE—*contd.*Part I.—*Acts of the Governor General in Council—contd.*

1	2	3	4
Year	No.	Subject or title	Extent of repeal
1859	IX	Claims to property seized as forfeited.	In the preamble, <i>the words from</i> to make provision to also expedient.
	X	Rent . . .	The schedule, Forms E and F.
	XI	Sales of land for arrears of revenue.	Section 4.
1860	XIV	King of Oudh .	The whole.
	XXII	Hill Tracts of Chittagong.	Section 1, proviso.
	XXIII	Amending Act XXI of 1856 (Abkari).	The whole Act, so far as it applies to Assam.
	XLV	Indian Penal Code.	In section 1, <i>the words and figures</i> on and from the first day of May, 1861.
1862			In sections 1 and 15, <i>the words except the Settlement of Prince of Wales' Island, Singapore and Malacca.</i>
	VIII	King of Oudh .	In sections 2 and 4, <i>the words and figures</i> on or after the said first day of May, 1861.
			In section 410, <i>the word the, where it occurs after the word which.</i>
1863	XVI	Spirits used in Manufactures, &c.	So much as has not been repealed.
1864	XVII	Official Trustees	Section 3.
1865	VII	Government Forests Act, 1865.	The whole Act, so far as it has not been repealed by the Indian Forest Act, 1878, and the Lower Burma Forest Act, 1881.

THE FIRST SCHEDULE—*contd.*Part I—*Acts of the Governor General in Council—contd.*

1	2	3	4
Year	No	Subject or title	Extent of repeal
1865	X	Indian Succession Act, 1865.	In section 3, <i>the words</i> other than the Settlement of Prince of Wales' Island, Singapore and Malacca.
1866	XXI	Native Converts' Marriage Dissolution Act, 1866.	In section 35, <i>the words</i> except the Settlement of Prince of Wales' Island, Singapore and Malacca.
"	XXV	Transfer to Government of deposits in High Courts.	In the first schedule, <i>the words</i> Ra two. In the preamble, <i>the words</i> or in the late Supreme Courts at Calcutta, Madras and Bombay, respectively, and <i>the words</i> now or hereafter. In section 1, <i>the words</i> or of the late Supreme Courts of Calcutta, Madras and Bombay, and <i>the words</i> now or hereafter.
1867	XXII	Sarais Act, 1867	Section 1.
"	XXIII	Murderous Outrages, Punjab.	In section 17, <i>the words</i> and the Settlement of Prince of Wales' Island, Singapore and Malacca.
"	XXV	Printing Presses and Books.	Section 17.
1868	I	General Clauses Act, 1868.	In section 2, clause (8), <i>the words</i> other than the Settlement of Prince of Wales' Island, Singapore and Malacca.
"	V	Commissioner in Sindh.	The schedule, so far as it relates to Act XXVI of 1850.
"	XVIII	Small Cause Jurisdiction, Nilgiris.	So much as has not been repealed.
"	XXI	Nawâb of the Carnatic.	The whole.

THE FIRST SCHEDULE—*contd.*Part I.—*Acts of the Governor General in Council—contd.*

1	2	3	4
Year	No	Subject or title	Extent of repeal
1869	XIV	Bombay Courts Civil Act, 1869	In section 32, proviso, clause (b) [added by Act XV of 1880, section 3], <i>the words and figures or selected under Act No XX of 1864 (for making better provision for the care of the persons and property of minors in the Presidency of Bombay)</i> , section 9, and <i>the words or selection</i>
1870	VII	Court-fees Act, 1870.	In section 3, <i>the word sixteen.</i> In section 7, paragraph iv, last clause, <i>the words and the provisions of the Code of Civil Procedure, section thirty-one, shall apply as if for the word 'claim' the words 'chief sought' were substituted.</i> Section 10, clause iii. Section 19, clause ii.
			In section 19C (inserted by Act XIII of 1875, section 6), first line, <i>the word such.</i>
			In section 19G (inserted by Act XIII of 1875, section 6), <i>the words and figures after the first day of April, 1875, or.</i>
			Sections 24 and 32.
			Schedule II, Articles 8 and 9.
"	XXI	Hindu Wills Act, 1870.	In section 6, <i>the words and Parts.</i>
"	XXVI	Prisons Act, 1870.	In section 9, <i>the words (subject to the approval of the Governor General of India in Council).</i>
"	XXVII	Amending the Indian Penal Code.	Sections 7, 9 and 14.
1871	II	Extending the Prisons Act, 1870, to Coorg.	So much as has not been repealed.

THE FIRST SCHEDULE—*contd.*Part I.—*Acts of the Governor General in Council—contd.*

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1871	IV	Coroners' Act, 1871.	Section 4, the second paragraph.
,,	XXI	Dehrá Dun	Section 1, <i>from and no judgment to the end.</i> In section 2, <i>the words</i> and shall be deemed to have been heretofore authorized to exercise. In section 3, <i>the words</i> shall be deemed to have been heretofore the District Court of the said district of Dehrá Dun, and, <i>and the words and figures</i> and may, subject to the provisions of Act VI of 1871, hear appeals from decisions given in the said district before the passing of this Act.
,,	XXII	Amending Act XX of 1856 (Chaukidárs).	In section 4, <i>the words and figures</i> and referred to in section eleven of Act XXIV of 1864.
,,	XXIII	Pensions Act, 1871.	Section 5.
,,	XXVI	Land Improvement Act, 1871.	In section 6, <i>the words</i> but shall not take effect within the territories subject to the Lieutenant-Governor of Bengal.
1872	IV	Punjab Laws Act, 1872.	Section 1, <i>from but not so as to affect to the end.</i>
			The whole Act, so far as it applies to the Andaman and Nicobar Islands and the Pargana of Manpur.
			Section 33.
			Section 39G (inserted by Act XV of 1875, section 2).
			The first schedule, so far as it relates to Act XVII of 1861.

THE FIRST SCHEDULE—*contd.*Part I.—*Acts of the Governor General in Council—contd.*

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1872	XV	Indian Christian Marriage Act, 1872.	In section 68 (as amended by Act II of 1891, section 6), <i>the words "and to amend the law relating to the removal of such convicts."</i>
1873	III	Madras Courts Civil Act, 1873.	In section 13, <i>the words and figures</i> of appeals under Madras Regulation XI of 1832, section nine.
"	IV	Punjab Municipal Act, 1873.	Section 29, the second and third paragraphs.
"	V	Government Savings Banks Act, 1873.	In section 5, <i>the words</i> the said.
"	XVI	North-Western Provinces Village and Road Police Act, 1873	In section 1, <i>the words and figures</i> So far as regards the repeal of Act No. III of 1869, this Act extends to the whole of British India : the rest of.
"	XIX	North-Western Provinces Land-revenue Act, 1873.	Section 2, the third paragraph.
"	XX	Prince of Arcot's Privilege Act, 1873.	The whole.
1874	I	Quieting of titles, North-Western Provinces.	The whole.
"	III	Married Women's Property Act, 1874.	In section 9, <i>the words</i> affect any suit instituted before the passing of this Act, nor.
"	VIII	Exercise of Powers in Assam.	Section 3.
"	XIV	Scheduled Districts Act, 1874.	In section 10, <i>the words and figures</i> and No. XXV of 1869.
			In the first schedule, Part I, No. I, <i>the figure and words</i> (9) the Chighatti Maliah.
			The first schedule, Part XIII.

THE FIRST SCHEDULE—*contd.*Part I.—*Acts of the Governor General in Council—contd.*

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1874	XV	Laws Local Extent Act, 1874.	Section 8, clause (f).
			The first schedule, so far as it relates to Acts IX of 1842, XVIII of 1854, VIII of 1859, XIV of 1859, XV of 1859, XXIII of 1861, VI of 1863, X of 1866 and X of 1868.
			The second schedule, so far as it relates to Madras Regulations III of 1802, section II, I of 1805, II of 1807, IV of 1816, IX of 1816 and XIV of 1816 and Acts XVII of 1840, VII of 1852 and XI of 1869.
			The third schedule, so far as it relates to Bombay Regulations XII of 1827, preamble, XVI of 1827 and XXI of 1827 and Acts XI of 1843, III of 1852 and XXI of 1852.
			The fourth schedule, so far as it relates to Bengal Regulations XLVIII of 1793, III of 1794, section 12, XV of 1797, I of 1798, XVII of 1806, XI of 1811, XIX of 1814, XX of 1817, sections 28 and 32, and VI of 1819 and Acts XX of 1836, XI of 1838, XX of 1856, XXI of 1856 and XXIII of 1860.
			The fifth schedule, so far as it relates to Bengal Regulations I of 1798, XVII of 1806, XIX of 1810, V of 1817, VI of 1819 and XI of 1831, sections 4 and 8.
			In the sixth schedule, Part I, No. I, the figure and words (9) the Chinghatti Maliah.
			The sixth schedule, Part XIII.

THE FIRST SCHEDULE—*contd.*Part I.—*Acts of the Governor General in Council—contd.*

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1875	XIII	Probates and Letters of Administration.	Section 1.
			So much of section 6 as directs the insertion of section 19H in the Court-fees Act, 1870.
"	XV	Punjab Laws Amendment Act, 1875.	Section 2, so far as it applies to the Punjab and relates to sections 39A and 39B.
"	XX	Central Provinces Laws Act, 1875.	Section 2, so far as it relates to section 39G.
			Section 2, proviso.
			In the third column of Part A of the schedule, in the entry opposite Regulation XI of 1806, <i>the words and figures</i> and with the exception, in section VIII, of the words and figures "under the rules prescribed by Regulation V, 1804."
			The schedule, so far as it relates to Bengal Regulation VI of 1819 and Act XVIII of 1853.
1876	X	Bombay Revenue Jurisdiction Act, 1876.	Section 2, and the schedule referred to therein.
"	XII	Repealing Act, 1876.	The whole.
"	XVII	Oudh Land-revenue Act, 1876.	In section 150, <i>the words stamped or.</i>
"	XVIII	Oudh Laws Act, 1876.	Section 178, clause (p).
			Sections 17, 18 and 41.
			In the third column of Part I of the second schedule, in the modifications of Regulation XXXIII of 1803, <i>the words</i> for "city" read "jurisdiction," and <i>the words and figures</i> . In section IV, omit the words "or in either of the cities of Patna, Dacca or Moorshedabad."

THE FIRST SCHEDULE—*contd.*Part I.—*Acts of the Governor General in Council—contd.*

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1876	XVIII — <i>contd.</i>	Oudh Laws Act, 1876.	In the third column of Part I of the second schedule, in the modifications of section 8 of Regulation XI of 1806, <i>the words and figures</i> and omit the words and figures "(under the rules prescribed by Regulation V, 1804)" and "in Regula- tion XXVII, 1803."
"	XXI	Amending the Land Improve- ment Act, 1871.	The second schedule, so far as it relates to Bengal Re- gulation VI of 1819 and Act XIII of 1857, section 2.
"	XXIII	Opium Act, 1876.	The whole Act, so far as it applies to the Andaman and Nicobar Islands and the Pargana of Manpur.
1877	I	Specific Relief Act, 1877.	Section 2. In section 9, <i>the words</i> insti- tuted within six months from the date of the dispos- sition.
"	II	Amending Act XIII of 1875 (Probates and Letters of Ad- ministration).	Section 2.
"	III	Indian Regis- tration Act, 1877.	Section 84, the last paragraph.
"	VI	Postponing opera- tion of the Opium Act, 1876.	The whole Act, so far as it applies to the Andaman and Nicobar Islands and the Pargana of Manpur.
"	XI	Military Lunatics Act, 1877.	Sections 2 and 9.
"	XV	Indian Limitation Act, 1877.	Section 2, <i>down to the</i> <i>word But.</i> Section 2, the third para- graph. The first schedule.

THE FIRST SCHEDULE—*contd.*Part I.—*Acts of the Governor General in Council—contd.*

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1877	XIX	District Judges.	In the preamble, <i>the words</i> the District Judges of the Lower and the North-Western Provinces of the Presidency of Fort William, and.
1878	I	Opium Act, 1878.	Section 2, the first and second paragraphs. The schedule.
"	VI	Indian Treasure-trove Act, 1878.	Section 2. The schedule.
"	XI	Indian Arms Act, 1878.	Sections 8 and 9. Section 14, the last three paragraphs. The second schedule.
"	XII	Amending the Punjab Laws Act, 1872.	Section 6. Section 7, <i>from All penalties to the end.</i>
"	XIV	Assimilation of Powers, North-Western Provinces and Oudh.	In the preamble, <i>the words</i> and whereas doubts have arisen as to the validity of certain acts done since the said union, and it is expedient to remove such doubts. Section 4, the first paragraph. Section 5, the first paragraph. Sections 7 and 8.
"	XVII	Northern India Ferries Act, 1878.	Section 36.
1879	I	Indian Stamp Act, 1879.	Section 2, <i>down to the word</i> But. Schedule II, Article 2, clauses (b) and (e). Schedule II, Article 10. Schedule II, Article 11, clause (b). Schedule III.

THE FIRST SCHEDULE—*contd.*Part I.—*Acts of the Governor General in Council—contd.*

1 Year.	2 No.	3 Subject or title.	4 Extent of repeal.
1879	III	Destitution of Records Act, 1879.	Section 9. The schedule.
„	VII	Punjab Additional Financial Commissioner's Act, 1879.	The whole.
„	XII	Amending the Code of Civil Procedure, the Registration Act, 1877, and the Limitation Act, 1877.	In the title, <i>the words</i> the Code of Civil Procedure. The first preamble. Section 108, so far as it refers to Nos. 171, 171A, 171B and 171C of the second schedule to the Indian Limitation Act, 1877.
„	XVII	Dekhan Agriculturists' Relief Act, 1879.	Section 48, the second paragraph (inserted by Act XXIII of 1881, section 10).
„	XIX	Raipur and Khattra Laws Act, 1879.	Section 3.
„	XX	Glenders and Farcy Act, 1879.	Section 15.
1880	VII	Indian Merchant Shipping Act, 1880.	In section 72 (as amended by Act VI of 1891, section 6), <i>the word</i> But.
„	IX	Bombay Civil Courts Act, 1880.	Section 3.
„	XIV	Indian Census Act, 1880.	The whole.
„	XV	Bombay Revenue Jurisdiction Act, 1880.	The preamble <i>from and to</i> make to 1871.
1881	II	Pegu and Sittang Canal Act, 1881.	Section 22.
„	V	Probate and Administration Act, 1881.	In section 152, <i>the words</i> the said.

THE FIRST SCHEDULE—*contd.*Part I.—*Acts of the Governor General in Council—contd.*

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1881	IX	Administrator General's Act, 1881.	So much of section 5 as has not been repealed. Section 6, <i>from</i> and the words <i>to the end</i> .
"	XIII	Fort William Act, 1881.	Section 9.
"	XIV	Benares Family Domains Act, 1881.	Sections 2 and 14.
"	XVIII	Central Provinces Land-revenue Act, 1881.	Sections 2 and 3. Section 136W (inserted by Act XVI of 1889, section 26).
"	XIX	Lower Burma Forest Act, 1881.	The schedule. Section 2.
"	XXIII	Dekkhan Agriculturists' Relief Act, 1881.	The schedule. Sections 4, 5 and 16.
"	XXV	Bánki Laws Act, 1881.	Section 3. In section 4, the words and figures from And in the following Bengal Regulations <i>to the end</i> .
"	XXVI	Negotiable Instruments Act, 1881.	Section 2. The schedule
1882	I	Inland Emigration Act, 1882.	Section 2, the first paragraph. In section 2, second paragraph, the words the said. Section 193.
"	II	Indian Trusts Act, 1882.	Section 36, the second paragraph. In the schedule, the figures 39.
"	III	Seditious Publications Act, 1882.	Section 2.

THE FIRST SCHEDULE—*contd.*Part I.—*Acts of the Governor General in Council—contd.*

1 Year	2 No.	3 Subject or title.	4 Extent of repeal.
1882	VII	Powers-of-Attorney Act, 1882.	Section 6.
”	X	Code of Criminal Procedure, 1882	Section 311. In section 549, <i>the figures 1881, in both places in which they occur.</i>
”	XII	Indian Salt Act, 1882.	Section 558. In section 11, <i>the words and figures</i> or under section 11 of the Inland Customs Act, 1875.
”	XIV	Code of Civil Procedure.	Section 539, the last paragraph.
”	XV	Presidency Small Cause Courts Act, 1882.	In section 1, <i>the figures 1881.</i>
”	XIX	Punjab University Act, 1882.	Section 22.
”	XXII	Dekkan Agriculturists' Relief Act, 1882.	Sections 17 and 19.
1883	III	Repealing Act XXVII of 1854 (Názm of Bengal).	The whole.
”	V	Indian Merchant Shipping Act, 1883	In section 2, sub-section (2), <i>the words</i> proceedings commenced and the word commenced.
”	VII	Repealing the Lower Burma Labour Law, 1876.	The whole.
”	VIII	Little Cocos and Piepauis Islands Laws Act, 1883.	Section 3.
”	IX	Central Provinces Tenancy Act, 1883.	Section 1, the last paragraph, beginning with Nevertheless.
”	XIII	Indus Valley State Railway Lands.	Section 2. The schedule. Section 1.

THE FIRST SCHEDULE—*contd.*Part I.—*Acts of the Governor General in Council—contd.*

1	2	3	4
Year	No	Subject or title	Extent of repeal
1883	XIV	North-Western Provinces and Oudh Local Boards Act, 1883.	Sections 57 and 60.
"	XV	North - Western Provinces and Oudh Municipalities Act, 1883.	Section 5, <i>from and shall to the end.</i>
"	XIX	Land Improvement Loans Act, 1883.	Section 12, sub-section (2)
1884	I	Honorary Degrees	Section 1.
"	II	Unregistered instruments of partition, Madras	In section 2, proviso, <i>the words</i> within three years after the date on which this Act comes into force, or <i>and the words</i> if the transfer is made after this Act comes into force.
"	III	Criminal Procedure Code Amendment Act, 1884.	Section 6.
"	IV	Indian Explosives Act, 1884.	Section 2, sub-section (2).
"	V	Amending the Chuua Nagpur Encumbered Estates Act, 1876.	Section 8, clause (a) Section 10.
"	VI	Inland Steam-vessels Act, 1884.	In section 3, sub-section (2), <i>the words</i> proceedings commenced and <i>the word</i> commenced.
"	VII	Indian Steam-ships Act, 1884.	Section 2, sub-section (2).
"	VIII	Repealing Bengal Regulation XIX of 1810 in the North-Western Provinces.	The whole.
"	IX	Legal Practitioners' Act, 1884.	Section 10, sub-section (2).

THE FIRST SCHEDULE—*contd.*Part I.—*Acts of the Governor General in Council—contd.*

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1884	XIV	Validation of Settlement-officers' Decisions, Punjab.	The whole.
"	XX	Amending the Indian Salt Act, 1882.	The whole.
"	XVII	Lower Burma Municipal Act, 1884.	Section 5, from and shall to the end of clause (b).
"	XVIII	Punjab Courts Act, 1884.	Section 14, clauses (a) and (b).
"	XIX	Rangoon Water-works Act, 1884.	Section 1, sub-section (4).
"	XXI	Straits Settlements Emigration.	Sections 2, 68 and 69.
			The schedule.
1885	II	Negotiable Instruments Act, 1885.	Section 1, sub-section (3).
"	VII	Pânc Mahâls Laws Act, 1885.	Section 7.
"	IX	Tariff; Excise; Sea-customs.	Section 8, clause (b), and the word and at the end of clause (a).
"	XII	Indian Sea Passengers' Act, 1885.	Section 4, from and in Part II to the end.
"	XVI	Central Provinces Civil Courts Act, 1885.	In the title and preamble, the words and figures to repeal part of section 6 of the Indian Tariff Act, 1882, and.
"	XVII	Central Provinces Government Wards Act, 1885.	Section 1.
			Section 2.
			Section 24 and 25.
			Section 2.

THE FIRST SCHEDULE—*contd.*Part I.—*Acts of the Governor General in Council—contd.*

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1885	XX	Postponing temporarily the operation of certain provisions of the Bengal Tenancy Act, 1885.	The whole.
1886	II	Licence-tax Amendment.	Section 1, sub-section (3). The second schedule, Part III, clause (b).
"	IV	Amending the Indian Contract Act, 1872.	Section 2.
"	V	Mirzapur Stone Mahal Act, 1886.	Section 1, sub-section (3). Sections 2 and 19.
"	VI	Births, Deaths and Marriages Registration Act, 1886.	Section 1, sub-section (3).
"	X	Amending the Code of Criminal Procedure, 1882, &c.	Section 20. Section 24, sub-section (2).
"	XIII	Indian Securities Act, 1886.	Section 1, sub-section (3).
"	XIV	North-Western Provinces Rent Act, 1886.	Section 6. In section 7, the words the word "other" is repealed; and in and the words of the same section.
"	XVIII	Amending Act XXXVI of 1858 (Lunatic Asylums).	Section 3, so far as it relates to section 17A.
"	XX	Upper Burma Laws Act, 1886.	In section 1, sub-section (2), the words within four months from the passing of the Act. Section 5. The first schedule. The second schedule, First Part, so far as it relates to Act V of 1881, section 153.

THE FIRST SCHEDULE—*contd.*Part I.—*Acts of the Governor General in Council—contd.*

1	2	3	4
Year	No.	Subject or title	Extent of repeal.
1886	XXII	Oudh Rent Act, 1886.	Section 1, sub-section (4).
„	XXIII	Dekkhan Agriculturists' Relief Act, 1886.	Section 10, sub-sections (1) and (2). Section 12, sub-section (2). Section 13.
„	XXIV	Extension of the Glanders and Farcy Act, 1879, to Bombay.	The whole.
1887	II	Sea customs; Excise; Tariff.	Sections 7 and 9.
„	IV	Indian Museum Act, 1887.	Section 2.
„	VII	Suits Valuation Act, 1887.	Section 10.
„	VIII	Abolishing Military Courts of Requests.	The whole.
„	IX	Provincial Small Cause Courts Act, 1887.	Section 2, <i>down to the word But.</i> In section 17, sub-section (1), <i>the words as amended by this Act.</i> The first schedule.
„	XII	Bengal, North-Western Provinces and Assam Civil Courts Act, 1887.	Section 2, <i>down to the word But.</i>
„	XVI	Punjab Tenancy Act, 1887.	Sections 2 and 3. Section 4, clause (1), sub-clause (a). The schedule.
„	XVII	Punjab Land-revenue Act, 1887.	Section 1, sub-section (4). Section 3, clause (9), sub-clause (a).

THE FIRST SCHEDULE—*contd.*Part I.—*Acts of the Governor General in Council—contd.*

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1888	VI	Debtors Act, 1888.	Section 9.
"	VII	Civil Procedure Code Amendment Act, 1888.	Sections 4, 25, 29 and 41. Section 49, sub-section (1). Section 50. Section 52, sub-section (1). Sections 56 and 57. In section 65, sub-section (3), the words "the Code of Civil Procedure."
"	VIII	Tolls . . .	Section 66, sub-section (2). In section 5, the words the words "and the Governor of the Presidency of Bombay in Council" are hereby repealed, and.
"	IX	Repealing enactments relating to contagious diseases.	The whole.
"	X	Amending the Code of Civil Procedure and the Presidency Small Cause Courts Act, 1882.	Section 4.
"	XIII	Punjab Courts Act, 1888.	Section 3.
"	XVI	Repealing Act VII of 1867 and Madras Regulation XIV of 1832.	The whole.
"	XIX	Amending the Lower Burma Municipal Act, 1884.	Section 3.
1889	V	Coroner of Madras.	Section 3, sub-section (2). Section 4, sub-section (1).
"	VI	Probate and Administration Act, 1889.	Section 9, sub-section (2). Section 18, sub-section (1). Section 21.

THE FIRST SCHEDULE—*contd.*Part I.—*Acts of the Governor General in Council—contd.*

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1889	XI	Lower Burma Courts Act, 1889.	The first and second schedules, so far as they relate to Regulation VII of 1886.
"	XII	Amending the Indian Merchandise Marks Act, 1889.	The whole.
"	XIII	Cantonments Act, 1889.	In sections 3, 21 and 26, the figures 1881, wherever they occur.
"	XVI	Central Provinces Land-revenue Act, 1889.	Section 3. In section 26, the words and figures Section 136 is hereby repealed, and. Section 26, so far as it relates to section 136W.
"	XVII	Central Provinces Tenancy Act, 1889.	Section 29, sub-section (2), from and the last to the end. Sections 30, 31 and 36.
"	XX	Amending Act XXXVI of 1858 (Lunatic Asylums).	Section 3.
1890	II	Amending Act XVII of 1864, &c.	Section 11, sub-section (2).
"	III	Amending the Inland Steam-vessels Act, 1884, and the Indian Steam-ships Act, 1884.	Section 3. Section 4, sub-section (1). Sections 5 and 16. Section 17, sub-section (1). Section 18.
"	V	Forest Act, 1890	Section 21.
"	X	Amending Act XXV of 1867 (Printing-presses and Books).	" Sections 1, 2 and 7.

THE FIRST SCHEDULE—*contd.*Part I.—*Acts of the Governor General in Council—concl.*

1	2	3	4
Year	No.	Subject or title.	Extent of repeal.
1890	XVIII	Amending the Indian Emigration Act, 1883.	Section 6.
"	XIX	Amending the Indian Salt Act, 1882.	Section 5, and the preamble prefixed thereto.
"	XX	North-Western Provinces and Oudh Act, 1890.	Section 17. Section 21, sub-section (2). Section 35. Section 43, <i>from</i> and the word "Oudh" <i>to the end</i> .
1891	II	Amending the Indian Christian Marriage Act, 1872.	Sections 48, 50 and 56. Section 1, sub-section (4). Section 4, sub-section (2).
"	IV	Amending the Code of Criminal Procedure, 1882.	Sections 1 and 3.
"	VI	Amending certain Acts respecting Indian Merchant Shipping.	Section 12.
"	VII	Amending Act X of 1841.	Section 1. In section 5, <i>the words</i> the words "or the East India Company" are hereby repealed, and. Section 6, sub-section (1). In section 8, <i>the words</i> the words "issued under the Company's seal and" are hereby repealed, and.

THE FIRST SCHEDULE—*contd.**Part II.—Acts of the Lieutenant-Governor of Bengal in Council.*

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.
1866	I	Amending Bengal Regulation VI of 1819 (Ferries).	The whole Act, so far as it applies to Assam.
“	V	Hackney Carriages.	The whole Act, so far as it applies to Assam.
1867	II	Gambling . . .	The whole Act, so far as it applies to Assam.
1875	V	Bengal Survey Act, 1875.	The whole Act, so far as it applies to Assam

THE FIRST SCHEDULE—*contd.*Part III.—*Regulations of the Bengal Code.*

1	2	3	4
Year	No.	Subject.	Extent of repeal
1793	XIX	Title to Non-bádsháhi Lakhnáj Grants.	In section 4, <i>the word and figures</i> and XXI.
„	XXXVIII	Loans by Civil Servants.	The title, <i>from</i> and for re-enacting <i>to the end</i> .
1794	III	Revenue arrears.	Section 1, <i>from</i> From a regard to remained in force.
			In the title, <i>the words</i> for exempting proprietors of land (with certain exceptions) from being confined for arrears of revenue; and <i>and the words</i> and for expediting the trial of causes relating to the public revenue or the rents of individuals.
1795	I	Benares Permanent Settlement	The title, <i>from</i> and for extending <i>to</i> 1793.
„	XV	Referring cases to Raja of Benares	The title, <i>from</i> for extending <i>to</i> Section X, and.
„	XXVII	Benares Permanent Settlement.	The title, <i>from</i> and for continuing <i>to</i> functions.
1799	I	Trade on Sylhet Frontier.	So much as has not been repealed.
„	V	Wills and Intestacies.	In the title, <i>the words</i> and City.
1800	VIII	Registers of estates.	The title, <i>from</i> preparing <i>to</i> prescribed.
1801	I	Division of joint estates.	The title, <i>from</i> to explain and amend part <i>to</i> such sales, <i>from</i> contained in Regulation XXV, 1793, to Regulation XXVI, 1795, <i>and from</i> and to fix <i>to the end</i> .

THE FIRST SCHEDULE—*contd.*Part III.—Regulations of the Bengal Code—*contd.*

1	2	3	4
Year.	No.	Subject.	Extent of repeal.
1801	I— <i>contd.</i>	Division of joint estates.	In section 8, <i>the words and figures</i> by clause First of Section XXIX, Regulation VII, 1799, or any other Regulation.
			In section 14, <i>the words and figures</i> from The rules contained in <i>to</i> affected by this Regulation, <i>the words</i> It is further hereby declared that, <i>and the words and figures</i> from This declaration <i>to</i> portions thereof.
1804	X	State-offences	In section 2, <i>the words</i> declared to be. In section 3, <i>the words</i> It is hereby further declared that.
1805	XII	Settlement, Cuttack.	In section 30, <i>the words and figures</i> from The rules <i>to</i> this Regulation, <i>the words</i> Provided however that, <i>the words and figures</i> under Section IV, Regulation XXIV, 1793, <i>and the word</i> likewise.
1806	XI	Assistance to marching troops and to travellers.	The title, <i>from</i> and for extending <i>to the end</i> . Section 1, <i>from</i> And whereas it is further necessary <i>to</i> Section XII, Regulation I, 1804.
			In section 8, <i>the words and figures</i> (under the rules prescribed by Regulation V, 1804).
1812	XVIII	Leases; Apportionment of Assessment on partition.	In section 3, clause Second, <i>the words and figures</i> and Section VII, Regulation XXVII, 1795.
”	XXII	Territories bordering on Bandel-khand.	The title, <i>from</i> and for annexing <i>to</i> Calenger. Section 1.

THE FIRST SCHEDULE—*contd.*Part III.—*Regulations of the Bengal Code—contd.*

1	2	3	4
Year	No.	Subject.	Extent of repeal.
1812	XXII— <i>contd.</i>	Territories bordering on Bandel-khand.	In section 2, <i>the words</i> Ditto of Rajah Kisseee Sing, the Rajah of Jeypore, <i>the words</i> Ditto of Chobey Salligram, jaghiredar of Cusbah Poorwah, &c., and <i>the words</i> Ditto of Puroram Bahadur, jaghiredar of Khuddee, &c.
1816	V	Kánungos .	Sections 3 and 4.
1817	XII	Patwáris .	In section 32, <i>the words</i> reporting, however, the amount for the information of the Governor General in Council and <i>the words</i> when confirmed by Government.
"	XX	Police .	The whole Regulation, so far as it applies to Assam.
			The title, <i>from</i> for modifying to the end.
			In the heading prefixed to section 30, <i>the word</i> badges and <i>the words</i> and insane persons.
			Forms Nos. 1, 4, 5, 7, 9 to 12 and 15 to 21 in the Appendix.
1819	I	Kánungos and Patwáris.	The title, <i>from</i> for replacing to Gorakhpur.
"	II	Resumption of revenue-free lands.	Section 4, clause <i>Fifth</i> , <i>from</i> anything to the end.
			The whole Regulation, so far as it applies to Assam.
			In section 4, <i>the words</i> and figures and Regulations XLI and XLII of 1795, Regulations XXXI and XXXVI of 1803, Regulations VIII, and <i>the words</i> and figures from nor to alter to the end.
			In section 12, <i>the figures</i> XXVI.
			Section 29.

THE FIRST SCHEDULE—*contd.*Part III.—*Regulations of the Bengal Code*—*contd.*

1	2	3	4
Year	No	Subject.	Extent of repeal.
1819	VIII	Patni Taluqs.	The title, <i>from</i> and to explain <i>to the end</i> . The preamble, <i>from</i> It has been likewise deemed advisable <i>to defaulters</i> .
1821	IV	Powers of Collectors and Magistrates.	The title, <i>from</i> for authorising a Collector <i>to Also</i> .
1822	VII	Settlement, Cuttack, &c.	The title, <i>from</i> for continuing <i>to five years</i> .
“	XI	Non-liability of Government for errors of Courts, &c.	The title, <i>from</i> for modifying <i>to areas of revenue</i> .
1823	VI	Indigo-contacts.	The preamble, <i>from</i> Under the rules <i>to</i> drawing up the agreement. In section 3, clause <i>Fourth</i> , <i>the words</i> or other officer. In section 3, clause <i>Fifth</i> , <i>the words</i> or other tribunal trying the case. In section 3, clauses <i>Sixth</i> , <i>Seventh</i> and <i>Ninth</i> , <i>the words</i> or other officer trying the case. In section 3, clause <i>Ninth</i> , <i>the words</i> or other person trying the case. The whole Regulation, so far as it applies to Assam.
1825	IX	Defaulting mālguzārs.	The preamble, <i>from</i> and whereas the rules <i>to</i> sanctioned by Government. In section 2, clause <i>First</i> , <i>the words and figures</i> and Regulations II and XXII, 1795. In section 3, <i>the words</i> and Benares. Section 8, <i>from</i> Section XI, Regulation XXXI, 1803, <i>to Conquered Provinces</i> . Section 9.

THE FIRST SCHEDULE—*concl.*Part III.—*Regulations of the Bengal Code—concl.*

1	2	3	4
Year.	No.	Subject.	Extent of repeal.
1825	XIII	Settlement of re-sumed Lákhírás land	In section 2, <i>the figures and words</i> IV, 1808, Regulations II and.
			In section 4, <i>the words and figures</i> of the second clause of Section VIII, Regulation XLI, 1795, in the province of Benares.
			In section 5, <i>the figures and word</i> XLII, 1795, and XXXVI, 1803.
1830	V	Indigo-contracts.	The title, <i>from</i> for amending <i>to</i> contracts.
			The preamble, <i>down to</i> indigo crops; and.
			The whole Regulation, so far as it applies to Assam.
1831	XI	Police-powers of Tahsildárs.	The preamble, <i>from</i> Whereas by Regulation IV, 1821, <i>to</i> Magistrates; and <i>and from</i> and whereas it is expedient <i>to</i> police officers.

THE SECOND SCHEDULE.

ENACTMENTS AMENDED.

A description or citation of a portion of an Act or Regulation includes the words, section or other part mentioned or referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

Part I.—*Acts of the Governor General in Council.*

1	2	3	4
Year	No.	Subject or title.	Amendment.
1835	XIX	Assistant to Agent for Saídárs, Dekkhan.	<i>Add the following section:—</i> 2. The provisions of the Code <small>Procedure in</small> of Civil Pro- appeals to Gov- ernor of Bombay in Council cedule relat- ing to ap- peals to a High Court from decrees passed in appeal shall apply, so far as may be, to appeals to the Gov- ernor in Council under this Act.
1839	VII	Tahsildárs, Madras.	In section 6, for the three last preceding sections <i>read</i> sections 3 and 5.
1846	I	Pleaders . . .	In section 7, for the sections of Regulations <i>read</i> the section of the Regulation.
1850	XIX	Binding Appren- tices.	In section 11, for section VIII <i>read</i> section 9. In section 20, for and, where the word occurs before ad- ministratois, <i>read</i> or.
1851	XII	Land-revenue, Madras Town.	In the preamble and section 1, for within the limits of the Town of Madras as de- fined in Section XII, Regu- lation II of 1802 of the Madras Code <i>read</i> within the local limits of the ordinary original civil jurisdic- tion of the High Court of Judicature at Madras.
1856	VIII	Control of Gaols.	In the title and preamble, for Presidencies of Fort St. George and Bombay <i>read</i> Presidency of Bombay. In section 2, for each of the said Presidencies <i>read</i> the said Presidency.

THE SECOND SCHEDULE—*contd.*Part I.—*Acts of the Governor General in Council—contd.*

1	2	3	4
Year	No.	Subject or title.	Amendment.
1856	XX	Chaukidárs	In section 38 (as amended by Act XXII of 1871, section 3), <i>for Commissioners of Circuit read Commissioner.</i>
1857	XXV	Forfeiture of property.	In section 2, <i>for by this Act, or Act XI of 1857, or Act XIV of 1857, or Act XVI of 1857, read by the Indian Penal Code, section 121 or section 122, or the Indian Articles of War, Article 24.</i>
1858	XXXVII	Nawáb of the Carnatic.	<i>For the list of names in Schedule A, read the following:—</i> 1. Her Highness Nawab Khair-un-Nissa Begam. 2. Nawab Ahmad-un-Nissa Begam. 3. Nawab Qadiia Begam. 4. Rahim-un-Nissa Begam. 5. Ammák-ul-Ali Aliyat-un-Nissa Begam.
1859	I	Merchant Seamen	In section 62, <i>for Act XX of 1841 (for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons) read the Succession Certificate Act, 1889.</i>
			In section 115, <i>for Sections XXI and XXII of this Act read Chapter IV of the Indian Merchant Shipping Act, 1883, and section 22 of this Act.</i>
1860	XXVIII	Boundary-marks, Madras.	In section 4, <i>for the words and figures from in the same manner to the end, read in the manner provided by the law for the time being in force for the recovery of fines imposed by Criminal Courts.</i>
"	XLV	Indian Penal Code	In section 307, Illustration (c), <i>after of insert the first paragraph of.</i>

THE SECOND SCHEDULE—*contd.*Part I.—*Acts of the Governor General in Council—contd.*

1	2	3	4
Year.	No.	Subject or title.	Amendment.
1863	XX	Religious Endowments.	In section 3, for Section I read the preamble to this Act.
1864	III	Foreigners	In section 24, for the words and figures from according to the end, read be recovered in the manner provided by the law for the time being in force for the recovery of fines imposed by Criminal Courts.
1865	X	Indian Succession Act, 1865.	In section 242, after is insert or are.
1867	III	Gambling	In the preamble, after Fort William insert and.
			In section 2, for Sections 13, 17 and 18 read Sections 13 and 17.
"	XXIII	Murderous Outrages, Punjab.	In section 10, for the Punjab Chief Court Act, 1866, read in any other enactment for the time being in force.
"	XXV	Printing Presses and Books.	In section 3, before of the publisher insert the name.
1868	V	Commissioner in Sindh.	In the schedule, for Act VII of 1854 (for the apprehension within the territories under the Government of the East India Company of persons charged with the commission of heinous offences beyond the limits of the said territories, and for delivering them up to justice, and to provide for the execution of warrants in places out of the jurisdiction of the authorities issuing them) read The Foreign Jurisdiction and Extradition Act, 1879; and for Act VII of 1865 (to give effect to rules for the management and preservation of Government forests) read The Indian Forest Act, 1878.

THE SECOND SCHEDULE—*contd.*Part I.—*Acts of the Governor General in Council—contd.*

1 Year.	2 No.	3 Subject or title.	4 Amendment.
1869	V	Indian Articles of War.	In Part I, clause (c), <i>for</i> or any Act <i>read</i> in any Act. In the heading to Article 170, <i>for</i> "committed" <i>read</i> "of which any person is accused."
"	XX	Indian Volunteers' Act, 1869.	In section 22, <i>for the words from</i> if for offences committed outside <i>to the end</i> , <i>read</i> in the manner provided by the law for the time being in force for the recovery of fines imposed by Criminal Courts.
1870	VII	Court-fees Act, 1870.	<i>For section 34 read the following:—</i> 34. (1) The Local Government may from time to time make rules for regulating the sale of stamps to be used under this Act, the persons by whom alone such sale is to be conducted, and the duties and remuneration of such persons. (2) All such rules shall be published in the local official Gazette, and shall thereupon have the force of law. (3) Any person appointed to sell stamps who disobeys any rule made under this section, and any person not so appointed who sells or offers for sale any stamp, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both. In Schedule I, Article 2, <i>for</i> Act No. XIV of 1859 (<i>to provide for the limitation of suits</i>), section 15, <i>read</i> the Specific Relief Act, 1877, section 9.

THE SECOND SCHEDULE—*contd.*Part I.—*Acts of the Governor General in Council—contd.*

1 Year.	2 No.	3 Subject or title.	4 Amendment.
1870	VII— <i>contd.</i>	Court-fees Act, 1870.	In Schedule II, Article 4, for Bombay Act No. V of 1864 (to give Mamlatdars' Courts jurisdiction in certain cases to maintain existing possession or to restore possession to any party dispossessed otherwise than by course of law) read the Mamlatdars' Courts Act, 1876.
"	XXIV	Oudh Taluqdáis' Relief Act.	In section 12, for the words section three, in the second place in which they occur, read section 4.
"	XXVI	Prisons Act, 1870	In the preamble, for and British Burma read Coorg and Burma. In section 6, first paragraph (as amended by Act XIV of 1878), for and British Burma read Coorg and Burma. In section 47, clause (2), for assaults read assault.
"	XXVII	Amending the Indian Penal Code.	In section 13, for the said sections 124A and 225A read sections 124A, 225A and 225B.
1871	V	Prisoners' Act, 1871.	In section 13, for section eight of Act No. XXXIII of 1861 (to amend Act VIII of 1859) read section 350 of the Code of Civil Procedure, and for the provisions as to deposit of fees and as to release on security contained in the same section, read the provisions as to release on security contained in section 349 of the same Code.
1872	IV	Punjab Laws Act, 1872.	In section 12 (as amended by Act XII of 1878, section 2), for the Punjab Tenancy Act, 1868, section 34, read the Punjab Tenancy Act, 1887, section 53. In section 50 (as amended by Act XV of 1875, section 3), for sections forty-three to forty-nine read sections 43 to 48.

THE SECOND SCHEDULE—*contd.*Part I.—*Acts of the Governor General in Council—contd.*

1	2	3	4
Year.	No.	Subject or title.	Amendment.
1872	V	Jurisdiction over Sindh.	In section 2 (added by Act XX of 1872), for the Administrator General's Act, 1867, read the Administrator General's Act, 1874.
"	IX	Indian Contract Act, 1872.	In section 25, clause (1), for assurances read documents. In section 43, first paragraph, for one read one or more. In section 63, Illustration (e), for compensation read composition.
"	XV	Indian Christian Marriage Act, 1872.	In section 4, after is insert or are.
			In Schedule III, for (See section 28) read (See sections 28 and 31).
1873	VIII	Northern India Canal and Drainage Act, 1873.	In section 75, clause (3), after whom insert and.
1874	II	Administrator General's Act, 1874.	In section 15, after hereafter insert to.
"	IX	European Vagrancy Act, 1874.	In section 26, for the words from if for offences committed outside to time being read in the manner provided by the law for the time being in force for the recovery of fines imposed by Criminal Courts.
"	XIV	Scheduled Districts Act, 1874.	After section 5, insert the following section:— 5A. In declaring an enactment in force Modification in a scheduled district or in their application to scheduled districts under section 3 of this Act, or in extending an enactment to a scheduled district or part thereof under section 5 of this Act, the Local Government, with the previous sanction of the Governor General in Council, may declare the operation of the enactment to be subject to such restrictions and modifications as that Government thinks fit.

THE SECOND SCHEDULE—*contd.*Part I.—*Acts of the Governor General in Council—contd.*

1 Year	2 No.	3 Subject or title.	4 Amendment.
1874	XIV— <i>contd.</i>	Scheduled Districts Act, 1874.	In the first schedule, Part I, No. II, <i>for</i> (7) The Konda Muttá of Belgám <i>read</i> (7) The Konda Muttá of Merangi.
	" XV	Laws Local Extent Act, 1874.	In the first schedule, Part III, No. I, <i>for</i> Divisions <i>read</i> Districts.
	" X	Bombay Revenue Jurisdiction Act, 1876.	In the second schedule, Part (a), in the entry relating to Madias Regulation II of 1806, <i>for</i> (parts of ss. 1 & 7) <i>read</i> (section 7, clause second).
	" XIII	Indian Merchant Seamen's Act, 1876.	In the sixth schedule, Part I, No. II, <i>for</i> (7) The Konda Muttá of Belgám <i>read</i> (7) The Konda Muttá of Merangi.
	" XVII	Oudh Land-revenue Act, 1876.	In the sixth schedule, Part III, No. I, <i>for</i> Divisions <i>read</i> Districts.
	" XVIII	Oudh Laws Act, 1876.	In section 1, clause (b), <i>for</i> Act XV of 1871 <i>read</i> Act XXI of 1881.
1877	III	Indian Registration Act, 1877.	In section 8, last paragraph, <i>for</i> to imprisonment <i>read</i> with imprisonment.
			In section 105, <i>for</i> field <i>read</i> fields.
			In section 39, clause (f), <i>for</i> Oudh Revenue Act <i>read</i> Oudh Land-revenue Act, 1876.
			To section 1 <i>add</i> the following:— The Local Government may, with the previous sanction of the Governor General in Council, cancel any order excluding districts or tracts of country from the operation of this Act.

THE SECOND SCHEDULE—*contd.*Part I.—*Acts of the Governor General in Council—contd.*

1	2	3	4
Year	No.	Subject or title.	Amendment.
1877	III— <i>contd.</i>	Indian Registration Act, 1877.	In section 83, <i>for the words from</i> if for offences committed outside <i>to the end</i> read in the manner provided by the law for the time being in force for the recovery of fines imposed by Criminal Courts.
			<i>After the third paragraph of section 89 insert the following.—</i>
			Every Revenue-officer granting a certificate of sale to the purchaser of immoveable property sold by public auction shall send a copy of the certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the property comprised in the certificate is situate, and such officer shall file the copy in his Book No. 1.
			In section 90, clause (c), <i>for or filed</i> read are filed.
1878	I	Opium Act, 1878.	In section 24, <i>for Deputy Collector</i> read Deputy Commissioner.
„	VII	Indian Forest Act, 1878.	In section 41, clause (e), <i>for depôt</i> read depôts.
„	VIII	Sea-customs Act, 1878.	In section 2, <i>for the first schedule</i> read Part I of the schedule.
			In the schedule appended to section 167,
			in the first column of the entry numbered 3, <i>for No. 2</i> read No. 4, and <i>for landing or shipment</i> read shipment and landing; and
			in the second column of the entry numbered 59, <i>for 141</i> read 142.

THE SECOND SCHEDULE—*contd.*Part I.—*Acts of the Governor General in Council—contd.*

1	2	3	4
Year.	No.	Subject or title.	Amendment
1878	XVII	Northern India Ferries Act, 1878.	In section 17, clause (c), for first read in the first instance, and for the words and figures from and then to the end of the clause, read and shall then, at the discretion of the Local Government— (i) be placed at the disposal of any District Board or District Boards established under the Punjab District Boards Act, 1883, or, (ii) be applied to any of the purposes specified in the second clause of section 5 of the Central Provinces Additional Rates Act, 1878, as the case may be; and.
1879	I	Indian Stamp Act, 1879.	In Schedule I, Article 5, clause (b), for right read rights. In Schedule II, Article 13, clause (b), before annual insert average.
"	XVI	Transport of Salt Act, 1879.	In section 3, clause (a), for section twenty-eight or section thirty-one of the Act of the Governor of Bombay in Council No. VII of 1873, or by a rawána granted under Madras Regulation I of 1805, section eleven, clause third, read Chapter V of the Madras Salt Act, 1889, or Chapter V of the Bombay Salt Act, 1890, or the corresponding law for the time being in force in the territories administered by the Governor of Fort St. George in Council or the Governor of Bombay in Council, as the case may be.

THE SECOND SCHEDULE—*contd.*Part I.—*Acts of the Governor General in Council—contd.*

1	2	3	4
Year.	No.	Subject or title.	Amendment
1879	XXI	Foreign Jurisdiction and Extradition Act, 1879.	In section 6, <i>for the first thirty-three words read</i> The Governor General in Council may appoint any European British subject, either by name or by virtue of his office, to be a Justice of the Peace in or for any such country or place.
1880	VII	Indian Merchant Shipping Act, 1880.	In section 68, <i>for purposes read</i> purpose.
1881	V	Probate and Administration Act, 1881.	In section 59, <i>after is insert</i> or are.
"	XII	North Western Provinces Rent Act, 1881.	In section 94, <i>for of village-expenses read for village-expenses, and for arrears or share read arrears, share, expenses or dues.</i>
"	XVIII	Central Provinces Land-revenue Act, 1881.	In section 33, <i>for the first five grades read the last five classes; for the Central Provinces Courts Act, 1865, read the Central Provinces Civil Courts Act, 1885; and for sections twelve, nineteen and twenty read section 7.</i> In section 34, <i>for the Central Provinces Courts Act, 1865, sections twelve, nineteen and twenty, read the Central Provinces Civil Courts Act, 1885, section 16 and section 17, sub-section (1), and the powers of a Court of a Commissioner described in the same Act, section 15, sub-section (r).</i> In section 35, <i>for the first four grades read the last four classes.</i>
"	XIX	Lower Burma Forest Act, 1881.	In section 43, clause (g), <i>for station read stations.</i>
"	XXII	Excise Act, 1881.	In sections 13 and 55, <i>for Chief Controlling Revenue-authority read Chief Revenue-authority.</i> In the heading to Chapter V, <i>after spirit insert and fermented liquor.</i>

THE SECOND SCHEDULE—*contd.*
Part I.—Acts of the Governor General in Council—contd.

1	2	3	4
Year.	No.	Subject or title.	Amendment.
1882	V	Indian Easements Act, 1882.	In section 14, <i>for right read a right.</i>
"	VI	Indian Companies' Act, 1882.	In section 66, <i>after the word cheque, where it first occurs, insert or.</i> In section 88, <i>after dates insert of.</i> In section 127, <i>for prove read proof.</i> In section 144, clause (f), <i>after the word bill, in the last place in which it occurs, insert hundi.</i>
,	X	Code of Criminal Procedure, 1882.	In section 191, <i>between District Magistrate and Sub-divisional Magistrate insert or.</i> In section 206, <i>after Sub-divisional Magistrate insert or.</i> In Schedule III, in the part entitled " <i>I. Ordinary Powers of a Magistrate of the third class,</i> " <i>before the first entry, insert (1A) Power to arrest, or direct the arrest, and to commit to custody a person committing an offence in his presence, section 64.</i>
"	XIV	Code of Civil Procedure.	In section 6, clause (d), <i>for Maulmain, Akyab or Bassin read or Maulmain.</i> In section 266, clause (i), <i>for Native read Indian.</i> In section 484, <i>for the sum read the same.</i> In section 568, clause (b), <i>for for read or.</i>
1883	V	Indian Merchant Shipping Act, 1883.	In section 6, sub-section (3), <i>for to simple imprisonment read with simple imprisonment.</i>
"	XIV	North-Western Provinces and Oudh Local Boards Act, 1883.	In sections 36 and 37, <i>for Government Civil Pension and Leave Codes, wherever those words occur, read Civil Service Regulations.</i>

THE SECOND SCHEDULE—*contd.*Part I.—*Acts of the Governor General in Council—contd.*

1	2	3	4
Year.	No.	Subject or title.	Amendment.
1883	XV	North-Western Provinces and Oudh Municipalities Act, 1883.	In sections 37 and 38, for Government Civil Pension and Leave Codes <i>read</i> Civil Service Regulations.
„	XX	Punjab District Boards Act, 1883.	In sections 28 and 29, for Government Civil Pension and Leave Codes, wherever those words occur, <i>read</i> Civil Service Regulations.
1884	VI	Inland Steam-vessels Act, 1884.	In section 56, <i>for</i> to simple imprisonment <i>read</i> with simple imprisonment.
„	XVII	Lower Burma Municipal Act, 1884.	In sections 34 and 35, for Government Civil Pension and Leave Codes, wherever those words occur, <i>read</i> Civil Service Regulations.
1886	XII	Petroleum Act, 1886.	In section 1, sub-section (3), <i>for</i> The provisions of this Act <i>read</i> Sections 1 to 4 of this Act and the provisions.
„	XXIII	Dekkan Agriculturists' Relief Act, 1886.	In section 10, sub-section (3), <i>for</i> the same section <i>read</i> section 58.
1887	XVI	Punjab Tenancy Act, 1887.	In section 45, sub-section (2), before year <i>insert</i> agricultural.
1888	III	Police Act, 1888.	In section 2, sub-section (1), <i>for</i> the Bombay District Police Act, 1867, <i>read</i> or the corresponding law for the time being in force in the territories administered by the Governor of Bombay in Council.
„	VII	Civil Procedure Code Amendment Act, 1888.	In section 49, sub-section (2), <i>for</i> the same section <i>read</i> section 562. In section 52, sub-section (2), <i>for</i> the same section <i>read</i> section 566.
1889	V	Coroner of Madras.	In section 4, sub-section (2), <i>for</i> that Code <i>read</i> the Code of Criminal Procedure, 1882.

THE SECOND SCHEDULE—*contd.*Part I.—*Acts of the Governor General in Council—concl.*

1 Year	2 No	3 Subject or title	4 Amendment
1889	XI	Lower Courts Bulma Act, 1889	For section 87, read the following— 87. For the purposes of section 47 of Appeals from orders under the Guardians and Wards Act, 1890, the Special Court constituted under Chapter V of this Act shall be deemed to be the High Court in respect of appeals from orders made by the Judge of the Town of Maulmain.
“	XIII	Cantonments Act, 1889	In section 19, for shall not be imposed under section 17 of this Act in the cantonment, read shall not be leviable in the cantonment in pursuance of a notification under section 17 of this Act.
“	XVIII	Central Provinces Municipal Act, 1889.	In section 29, clause (f), for used read use.
1890	III	Amending the Inland Steam-vessels Act, 1884, and the Indian Steam-ships Act, 1884	In section 4, sub section (2), for the same section read section 11 of the said Act. In section 17 sub-section (2), for the same section read section 13 of the said Act
1891	VII	Amending Act X of 1841.	In section 6, sub-section (2) for the same section read section 17 of the said Act

THE SECOND SCHEDULE—*contd.*Part II.—*Regulations of the Bengal Code.*

1 Year.	2 No.	3 Subject	4 Amendment
1793	XI	Inheritance .	In section 3, <i>for</i> that section <i>read</i> section 2, <i>and for</i> Regulation XXV, 1793, <i>read</i> the Estates' Partition Act, 1876.
1817	XII	Patwāris . .	In section 31, <i>for</i> Boards are <i>read</i> Board is. <i>For section 35 read the following—</i> 35. (1) Any person aggrieved by a decision or order of under section 20 of this Regulation may appeal within six months from the date thereof to the Commissioner of the Division. (2) The Commissioner may reverse or alter any such decision or order in appeal.
“	XX	Police . .	In the heading prefixed to section 29, <i>for</i> Commercial, Salt and Opium Departments <i>read</i> Opium Department, <i>and for</i> those Departments <i>read</i> that Department
1818	III	State Prisoners .	In section 29, clause <i>Twelfth</i> , <i>for</i> Section XXXI, Regulation XIII, 1816, <i>read</i> Act XIII of 1857, section 21.
1819	II	Resumption of revenue-free lands.	In section 6, clause <i>First</i> , <i>for</i> the words <i>from</i> in the Persian and Bengal languages to Conquered Provinces <i>read</i> in the vernacular of the district. In section 12, <i>after</i> belonging <i>insert</i> he. In section 26, clause <i>Second</i> , <i>for</i> a appeal <i>read</i> an appeal.

THE SECOND SCHEDULE—*concl.*Part II.—*Regulations of the Bengal Code—concl.*

1 Year	2 No.	3 Subject.	4 Amendment.
1822	III	Board of Revenue for the Lower Provinces of the Presidency of Fort William in Bengal.	(a) In section 5, clause <i>First</i> , <i>for</i> the Governor General in Council, by an order in Council, and for the Governor General in Council similarly, (b) in section 5, clause <i>First</i> , first proviso, clause <i>Second</i> and clause <i>Third</i> , <i>for</i> Government, and (c) in section 5, clauses <i>Fourth</i> and <i>Fifth</i> , <i>for</i> the Governor General in Council— <i>read</i> the Lieutenant-Governor. In section 5, clause <i>First</i> , first proviso, <i>before</i> Collector <i>insert</i> Commissioner or.
			In section 5, clause <i>First</i> , third proviso, <i>for</i> formally confirmed <i>read</i> made or confirmed in accordance with rules sanctioned.
1823	VI	Indigo contracts.	In section 6, <i>for</i> a investigation <i>read</i> an investigation.
1825	XIII	Settlement of re- sumed lâkhîrâj land.	In section 4, <i>for</i> the Regula- tions <i>read</i> the Regulation. In section 5, <i>for</i> Regulations <i>read</i> Regulation.

S. HARVEY JAMES,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend the Inland Steam-vessels Act, 1884, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 13th March, 1891:—

WE, the undersigned, Members of the Select Committee to which the Bill to amend

From Registrar, High Court, Calcutta, No. 369, dated 10th February, 1891
[Paper No. 1].

From Secretary to Government, Bengal, No. 433 Marine, dated 14th February, 1891 [Paper No. 2].

From Junior Secretary to Chief Commissioner, Burma, No. 338—21 M S, dated 12th February, 1891 [Paper No. 3].

From Chief Secretary to Government, Madras, No. 71, dated 23rd February, 1891, and enclosures [Papers No. 4].

From Secretary to Government, Bombay, No. 63 dated 5th March, 1891, and enclosures [Papers No. 5].

From Secretary to Government, Bengal, No. 614 Marine, dated 5th March, 1891, and enclosure [Papers No. 6].

the Inland Steam-vessels Act, 1884, was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as revised by us annexed thereto.

2. We have followed the advice of the Port-officer, Bombay, in substituting the word "serang" for "third-class master". A serang is the master of his vessel, but it has been represented that the object of the amendment of Chapter III of the Act will be more clearly understood if we generally assign to him in the amended Chapter the name by which he is everywhere known.

3. We have proposed some unimportant amendments in the provisos to sub-sections (2) and (3) of the proposed revise of section 28 of the Act. These amendments are made in the interests of masters and enginners (including serangs and engine-drivers).

4. The publication ordered by the Council has been made as follows.—

In English.

<i>Gazette.</i>	<i>Date.</i>
Gazette of India	24th January, 1891.
Fort Saint George Gazette	10th February, 1891.
Bombay Government Gazette	20th January, 1891.
Calcutta Gazette	28th January, 1891.
Burma Gazette	7th February, 1891.

In the Vernaculars.

<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
Bombay	Marathi	12th February, 1891.
Bengal	Gujarathi	12th February, 1891.
	Bengali	10th February, 1891.
	Urdu	19th February, 1891.

5. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

D. BARBOUR.
ANDREW R. SCOBLE.
F. M. HALLIDAY.
H. W. BLISS.
JAS. L. MACKAY.

The 13th March, 1891.

No. II.

A Bill to amend the Inland Steam-vessels Act, 1884.

WHEREAS it is expedient to amend the Inland Steam-vessels Act, 1884; It is hereby enacted as follows.—

Substitution of new Chapter for Chapter III, said Act VI, 1884

I. For Chapter III of the said Act the following shall be substituted, namely :—

CHAPTER III.

“MASTERS (INCLUDING SERANGS), AND ENGINEERS (INCLUDING ENGINE-DRIVERS), OF INLAND STEAM-VESSELS.

“22. The Local Government may, from time to time, appoint persons for the purpose of examining the qualifications of persons desirous of obtaining certificates of competency as masters or *serangs*, or as engineers or engine-drivers, of inland steam-vessels.

“23. (1) The Local Government shall grant to every person who is reported by the examiners to possess the necessary qualifications a certificate of competency to the effect that he is competent to act as a first-class *master*, second-class *master* or *serang*, as the case may be, of an inland steam-vessel.

“(2) Every certificate granted under this section shall be in the prescribed form.

“24. (1) The Local Government shall grant to every person who is reported by the examiners to possess the necessary qualifications a certificate of competency to the effect that he is competent to act as an engineer, first-class *engine-driver* or second-class *engine-driver*, as the case may be, of an inland steam-vessel.

“(2) Every certificate granted under this section shall be in the prescribed form.

“25. Before granting a certificate under either of the two last foregoing sections, the Local Government may, if it has reason to believe that the report of the examiners regarding

any applicant has been unduly made, require a re-examination of the applicant or a further inquiry into his testimonials and character.

“25A. (1) The Local Government may in its discretion grant without examination to any person who has served as a *master*, or as an engineer, of an inland steam-vessel before the first day of April, 1890, a certificate of service to the

effect that he may act as a first-class *master*, second-class *master* or *serang*, or as an engineer, first-class *engine-driver* or second-class *engine-driver*, as the case may be, of an inland steam-vessel.

“(2) A certificate of service so granted shall have the same effect as a certificate of competency granted under this Act after examination.

“26. Every certificate of competency or certificate to be vice granted under this Act made in duplicate, shall be made in duplicate, and one copy shall be delivered to the person entitled to the certificate, and the other shall be kept and recorded in the prescribed manner.

“27. Whenever a master or *serang*, or an engineer or engine-driver, whose certificate to be granted in certain cases, of the Local Government

which granted his certificate, that he has, without fault on his part, lost or been deprived of it, a copy of the certificate to which, by the record kept as provided by law, he appears to be entitled shall be granted to him, and shall have all the effect of the original.

“28. (1) An inland steam-vessel having engines of eighty nominal horse-power or upwards different steam-vessels, shall not proceed on any voyage unless she has—

(a) as her master a person possessing a first-class master's certificate granted under this Act or a master's certificate granted under Act I of 1859 (*for the amendment of the law relating to Merchant Seamen*) or the Merchant Shipping Acts, 1854 to 1889, or to which the provisions of any such Act have been made applicable under the Merchant Shipping (Colonial) Act, 1869, and

(b) as her engineer a person possessing an engineer's certificate granted under this Act or the Indian Steam-ships Act, 1884, or the Merchant Shipping Acts, 1854 to 1889, or to which the provisions of any such Act have been made applicable under the Merchant Shipping (Colonial) Act, 1869.

“(2) An inland steam-vessel having engines of thirty nominal horse-power or upwards but of less than eighty nominal horse-power shall not proceed on any voyage unless she has—

(a) as her master a person possessing a second-class master's certificate granted under this Act or a certificate of the higher grade of the nature referred to in clause (a) of sub-section (1), and

(b) as her engineer a person possessing a first-class engine-driver's certificate granted under this Act or an engine-

VII of 1884.

driver's certificate granted under the Indian Steam-ships Act, 1884, or a certificate of the higher grade of the nature referred to in clause (b) of sub-section (1) :

Provided that a steam-vessel shall be deemed to have complied with this sub-section if she has as her master and engineer a person possessing both a second-class master's certificate and a first class engine-driver's certificate granted under this Act, or, in substitution for either of such certificates, as the case may be, a master's certificate or an engineer's certificate of the higher grade of the nature referred to in sub-section (1).

"(3) An inland steam-vessel having engines of less than thirty nominal horse-power shall not proceed on any voyage unless she has—

- (a) as her master a person possessing a serang's certificate granted under this Act or a certificate of the higher grade of the nature referred to in clause (a) of sub-section (1) or sub-section (2), and
- (b) as her engineer a person possessing a second-class engine-driver's certificate granted under this Act or an engine-driver's certificate granted under the Indian Steam-ships Act, 1884, or a certificate of the higher grade of the nature referred to in clause (b) of sub-section (1) or sub-section (2) :

Provided that a steam-vessel shall be deemed to have complied with this sub-section if she has as her master and engineer a person possessing both a serang's certificate and a second-class engine-driver's certificate granted under this Act, or, in substitution for either of such certificates, as the case may be, a master's certificate or an engineer's or engine-driver's certificate of the higher grade of the nature referred to in sub-section (1) or sub-section (2).

"(4) Notwithstanding anything in sub-section (1), sub-section (2) or sub-section (3), the Local Government may, by general or special order, direct that a person possessing a master's certificate granted under Act I of 1859 (*for the amendment of the law relating to Merchant Seamen*) or the Merchant Shipping Acts, 1854 to 1889, or to which the provisions of any such Act have been made applicable under the Merchant Shipping (Colonial) Act, 1869, or possessing an engineer's certificate granted under the Indian Steam-ships Act, 1884, or the Merchant Shipping Acts, 1854 to 1889, or to which the provisions of any such Act have been made applicable under the Merchant Shipping (Colonial) Act, 1869, shall not act as master or engineer, as the case may be, of an inland steam-vessel unless he also possesses, in the case of a master, such a master's or serang's certificate granted under this Act as qualifies him under this section to act as master of the vessel, or, in the case of an engineer, such an engineer's or engine-driver's certificate granted under this Act as qualifies him under this section to act as engineer of the vessel :

"Provided that, for the purposes of this sub-section, the Local Government may, in its discretion, grant without examination a master's or serang's, or an engineer's or engine-driver's

certificate of competency under this Act, and that a certificate of competency so granted without examination shall have the same effect as a certificate of competency granted under this Act after examination.

Power for Local Government to make rules is to grant of certificates of competency and certificates of service,

"29 (1) The Local Government may make rules to regulate the granting of certificates of competency under this Act, and may by such rules—

- (a) provide for the conduct of the examination of persons desirous of obtaining certificates of competency as masters or serangs, or as engineers or engine-drivers, under this Act ;
- (b) prescribe the qualifications to be respectively required of persons desirous of obtaining first class masters' certificates, second-class masters' certificates, serangs' certificates, engineers' certificates, first-class engine-drivers' certificates and second-class engine-drivers' certificates, respectively ;
- (c) fix the fees to be paid by all applicants for examination ; and
- (d) prescribe the form in which certificates are to be framed, and the manner in which the copy of the certificate which is kept by the Local Government is to be recorded.

"(2) The Local Government may also make rules with respect to the grant of certificates of service under this Act, and may by such rules—

- (a) fix the fees to be paid for such certificates, and
- (b) prescribe the form in which such certificates are to be framed and the manner in which the copy of the certificate which is kept by the Local Government is to be recorded."

17 & 18 Vict.,
c. 104, &c.32 & 33 Vict.,
c. 11.

Substitution of new clause for clause (c), section 43 of the said Act the section 43, Act VI, 1884. 2. For clause (c) of section 43 of the said Act the following shall be substituted, namely :—

"(c) if, in the case of a second-class master or serang, or of an engine-driver, the master or serang, or the engine-driver, is or has become, in the opinion of the Local Government, unfit to act as a second-class master or serang, or as an engine-driver, as the case may be ;".

3. Sections 9, 10 and 11 of Act III of 1890 Repeal of sections 9, 10 and 11, Act III, and VII of 1884 are hereby repealed.

S. HARVEY JAMES,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend the constitution of the Court of the Judicial Commissioner of Oudh, and alter the Law with respect to Second Appeals and other matters in that Province, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 13th March, 1891:—

WE, the undersigned, Members of the Select Committee to which the Bill to amend

From J G W Sykes, Esq., Lucknow, dated 13th February, 1891, and enclosure [Papers No. 1].

From J H W Arathoon, Esq., Advocate, Lucknow, dated 18th February, 1891, and enclosure [Papers No. 2].

Note by Judicial Commissioner, Oudh, dated 25th February, 1891 [Paper No. 3].

From Mr. Kripa Shankar, Pleader, Partabganj, dated 21st February, 1891 [Paper No. 4].

From Pandit Sunder Lal, Vakil, High Court, North-Western Provinces, Allahabad, dated 16th February, 1891 [Paper No. 5].

From Government, North-Western Provinces and Oudh, No. 194—VII-363, dated 7th March, 1891, and enclosures [Papers No. 6].

to submit this our Report, with the Bill as revised by us annexed thereto.

2. We have adopted by section 5, sub-section (2), and by a proviso to section 8, the suggestions which we have received from His Honour the Lieutenant-Governor and Chief Commissioner.

3. In section 7 we have provided for the reference, should the Hon'ble the Chief Justice see fit, of any case respecting the confirmation of a sentence of death to a bench of the High Court.

4. In the same section, and in section 10, we have made express provision for cases in which there may be a difference of opinion where a bench is composed of two or more Judges.

5. Lastly, we have amended sub-section (3) of section 11 of the Bill as introduced.

6. The publication ordered by the Council has been made as follows:—

In English.

Gazette.

Date.

Gazette of India North-Western Provinces and Oudh Government Gazette	:	:	:	7th February, 1891.
				14th February, 1891.

In the Vernacular.

Province.

Language.

Date.

North-Western Provinces and Oudh	Urdu	21st February, 1891.
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7. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

ANDREW R. SCOBLE.

PHIL. P. HUTCHINS.

J. WOODBURN.

UDAY PERTAP SINGH.

The 13th March, 1891.

No. II.

Bill to amend the constitution of the Court of the Judicial Commissioner of Oudh, and alter the Law with respect to Second Appeals and other matters in that Province.

WHEREAS it is expedient to amend the constitution of the Court of the Judicial Commissioner of Oudh, and alter the Law with respect to Second Appeals and other matters in that Province, It is hereby enacted as follows:—

Title and commencement. I. (1) This Act may be called the Oudh Courts Act, 1891.

(2) It extends to all the territories for the time being administered by the Chief Commissioner of Oudh; and

(3) It shall come into force on the first day of April, 1891.

2. *Act IV of 1885 (to provide for the temporary appointment from time to time of an Additional Judicial Commissioner for Oudh) is hereby repealed:*

But the Additional Judicial Commissioner holding office under that Act immediately before the commencement of this Act shall be deemed to have been appointed under this Act.

3. *In this Act, unless there is something repugnant in the subject or context, the expressions "High Court" and "Chief Justice" mean the High Court of Judicature for the North-Western Provinces and the Chief Justice of that Court, respectively.*

4. (1) *The Local Government, with the previous sanction of the Governor General in Council, shall, by notification in the official Gazette, appoint such person as it thinks fit to be an Additional Judicial Commissioner, and to exercise jurisdiction, as such Additional Judicial Commissioner, in the Court of the Judicial Commissioner of Oudh.*

(2) *A person so appointed shall hold his office during the pleasure of the Local Government.*

5. (1) *Subject to the other provisions of this Act, an Additional Judicial Commissioner shall exercise such jurisdiction of the Judicial Commissioner under any enactment for the time being in force as the Local Government may prescribe, but only in such cases as the Judicial Commissioner may direct.*

(2) *The Judicial Commissioner may withdraw from the Additional Judicial Commissioner, and himself hear and dispose of, any case with respect to which he may have directed the Additional Judicial Commissioner to exer-*

cise jurisdiction and of which the hearing before the Additional Judicial Commissioner has not been commenced.

6. Subject to the other provisions of this Act, every enactment for law applicable to the time being applicable to Additional Judicial Commissioner shall apply to the Additional Judicial Commissioner when exercising any jurisdiction under the last foregoing section, as if he were the Judicial Commissioner.

7. (1) *The Court of the Judicial Commissioner of Oudh, consisting of the Chief Commissioner and the Additional Judicial Commissioner, shall, for the purpose of section 377 of the Code of Criminal Procedure, X of 1882, be deemed to be a High Court consisting of two Judges.*

(2) *When any such case as is referred to in that section of the Code is heard before the Judicial Commissioner and the Additional Judicial Commissioner, and they are divided in opinion, they shall submit the case, with their opinions thereon, to the High Court to be laid before such Judge, or such bench of two or more Judges, of that Court as the Chief Justice may appoint.*

(3) *Such Judge or bench, after such examination and hearing as he or it thinks fit, shall deliver his or its opinion in writing and cause a copy thereof under the signature of the Registrar of the High Court to be transmitted to the Judicial Commissioner, and the Judicial Commissioner and the Additional Judicial Commissioner sitting together shall, on receipt of the copy, proceed to dispose of the case in conformity with the opinion of the Judge or bench.*

(4) *When the Chief Justice has appointed a bench of two or more Judges of the High Court under sub-section (2), and the Judges differ as to the opinion to be delivered, communicated and followed under sub-section (3), the opinion to be so delivered, communicated and followed shall be—*

(a) *if there is a majority of the Judges, the opinion of the majority, and*

(b) *if the Judges are equally divided, the opinion of the senior Judge.*

Hearing of other cases by a bench. 8. Any of the following proceedings, namely:—

(a) *an appeal from an original decree or order of a District Judge or Additional Judge,*

(b) *an appeal which, under section 18, sub-section (1), of the Oudh Civil Courts Act, 1879, as amended by the North-Western Provinces and Oudh Act, XIII of 1879, 1890, lies from a decree or order of a*

XX of 1890.

Subordinate Judge to the Judicial Commissioner,

(c) any other appeal, whether civil or criminal, or any application or other matter, with respect to which appeal, or application or other matter, the Judicial Commissioner or the Additional Judicial Commissioner, as the case may be, before whom it is pending, has certified under his hand that it should in his opinion be heard by two Judges,

shall be heard by the Judicial Commissioner and the Additional Judicial Commissioner sitting together:

Provided, with respect to clauses (a) and (b), as follows, namely:—

- (i) that the amount or value of the subject-matter of the suit in the Court of first instance was ten thousand rupees or upwards, and the amount or value of the matter in dispute on appeal to the Judicial Commissioner is the same sum or upwards, or
- (ii) that the decree or order appealed from involves, directly or indirectly, some claim or question to, or respecting, property of like amount or value.

9. Whenever in any case before the Judicial Commissioner and the Additional Judicial Commissioner sitting together, other than a case for which provision is made in section 7 of this Act, a difference of opinion arises, the following rules shall be observed:—

- (a) If the case is a civil case, then, unless the Judicial Commissioner and the Additional Judicial Commissioner concur in a *decision* reversing or varying the decree or order under their consideration, such decree or order shall be upheld:

Provided that if the difference of opinion is on a question of law or of custom having the force of law or as to the construction of any document or the admissibility of any evidence, and either the Judicial Commissioner or the Additional Judicial Commissioner is of opinion that the question should be referred to the High Court, the Judicial Commissioner and the Additional Judicial Commissioner shall jointly state the question and forward such statement, with their respective opinions on the question, to the High Court.

- (b) If the case is a criminal case, then the Judicial Commissioner and the Addi-

tional Judicial Commissioner shall jointly state the question as to which they differ, and forward such statement, with their respective opinions on the question, to the High Court.

10. (1) On receiving a statement forwarded in any case under the last procedure on reference under last foregoing section, the High Court, by a bench constituted by two or more Judges as the Chief Justice may determine, shall decide the question referred therein and transmit to the Judicial Commissioner a copy of its judgment under the signature of its Registrar, and the Judicial Commissioner and the Additional Judicial Commissioner sitting together shall, on receipt of the copy, proceed to dispose of the case in conformity with the decision of the High Court.

(2) When the Judges differ as to the decision of any such question, the decision to be given, communicated and followed under sub-section (1) shall be—

- (a) if there is a majority of the Judges, the decision of the majority, and
- (b) if the Judges are equally divided, the decision of the senior Judge.

(3) It shall not be necessary for any party to the case to be present in the High Court, either personally or otherwise, when the question referred comes before that Court for decision.

(4) The costs, if any, consequent on the statement of the question for the decision of the High Court shall be costs in the case.

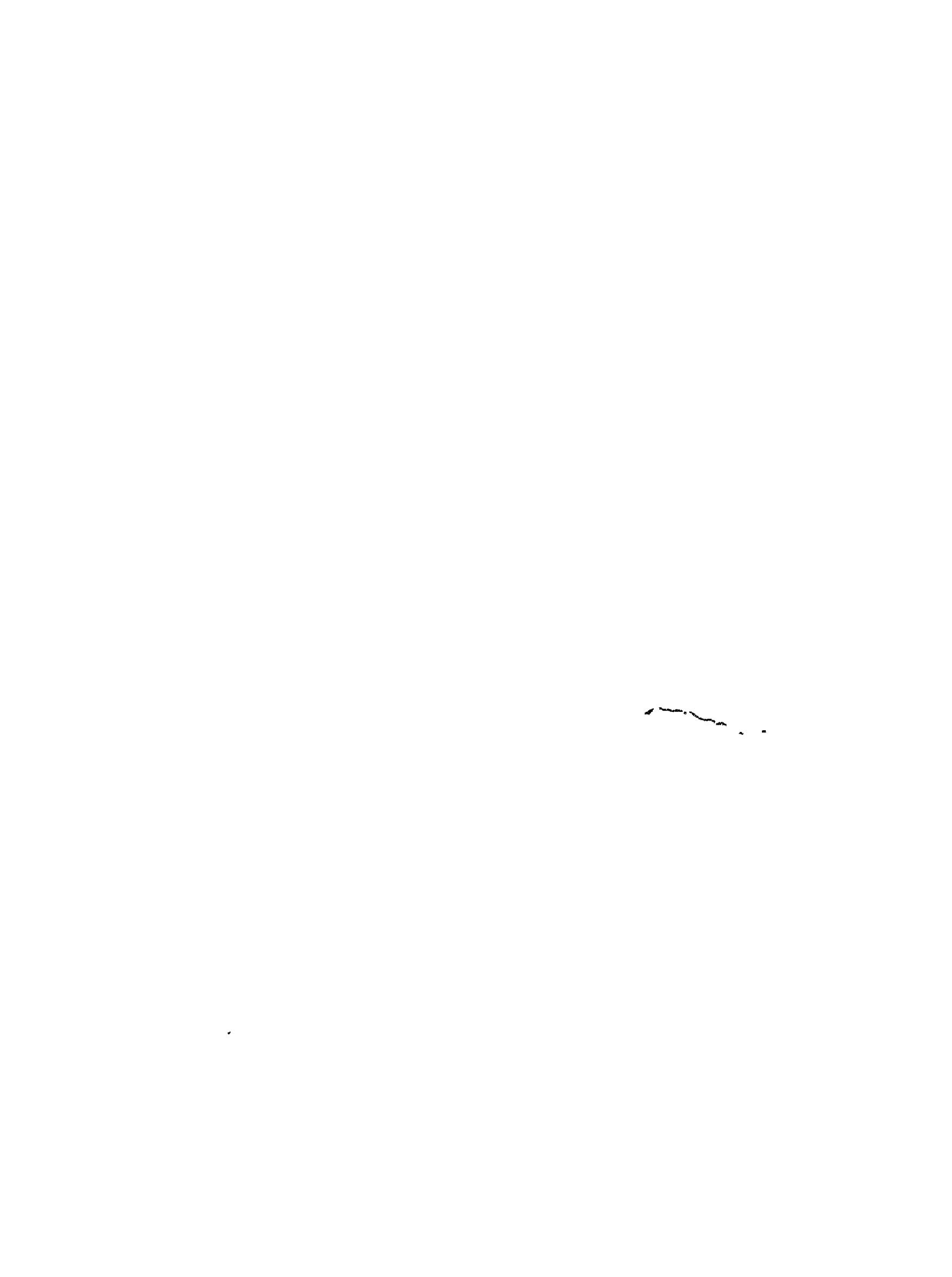
II. (1) Section 21 of the Oudh Civil Courts Repeal of, and amendment of, certain portions of Act XIII of 1879, respecting the admission of second appeals in certain cases by the Judicial Commissioner, is hereby repealed.

(2) The following portions of that Act are also hereby repealed, namely, section 2; the proviso to section 6; section 22; section 25; section 26; section 39; and the schedule.

(3) For the last paragraph of section 23 of the same Act the following shall be substituted, namely:—

"In the event of an appeal being preferred from a judgment or order passed by a Judicial Commissioner or an Additional Judicial Commissioner in any other capacity, or in which he has any personal interest, the case shall be heard by the Additional Judicial Commissioner or the Judicial Commissioner, as the case may be."

S. HARVEY JAMES
Secretary to the Government of India.





The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, MARCH 21, 1891.

~~Separate~~ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General of India for making Laws and Regulations, or Reports of Select Committees presented to the Council.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th March, 1891:—

NO. 8 OF 1891.

A Bill to confirm and give effect to an Indenture between the Secretary of State and the Nawab Bahadoor of Moorshedabad, Amir-ul-Omrah.

WHEREAS it is expedient to confirm and give effect to the indenture which Preamble. is set forth in the schedule to this Act and which was made the twelfth day of March, 1891, between the Secretary of State for India in Council of the one part and Ihtisham-ul-Mulk Rais-ud-Dowlah Amir-ul-Omrah Nawab Sir Syud Hussan Ali Khan Bahadoor Mohabat Jung, G.C.I.E., Nawab Bahadoor of Moorshedabad, eldest son of His late Highness Moontazin-ul-Mulk Mohsen-ud-Dowlah Fureedoon Jah Syud Monsoor Ali Khan Bahadoor, Nusrut Jung, late Nawab Nazim of Bengal, Behar and Orissa of the other part; It is hereby enacted as follows:—

Title and commencement. I (1) This Act may be called the Moorshedabad Act, 1891; and

(2) It shall come into force at once.

Confirmation of indenture of March, 1891. 2. The said indenture is hereby confirmed.

3. (1) The Governor General in Council, by Additions to schedules notification in the Gazette due to indenture. of India, may in his discretion, on the written request of the Nawab Bahadoor of Moorshedabad for the time being, add, in such form as the Governor General in Council may think fit, to the schedules of immoveable property which are annexed to the said indenture any additional immoveable property which may be acquired from time to time for the maintenance of the position and dignity of the Nawab Bahadoor of Moorshedabad for the time being.

(2) No such notification as is referred to in sub-section (1) shall be made without such previous publication as would be necessary under section 6 of the General Clauses Act, 1887, in the case of a rule to be made under an enactment to which that section applies.

(3) The publication in the Gazette of India of such a notification, as having been made by the Governor General in Council, shall, subject to any further order of the Governor General in Council, be conclusive proof with respect to the subject-matter of the notification.

4. No right to any immoveable property mentioned in any of the schedules to the said indenture, or in any addition which under the last foregoing section may from time to time be made to those schedules or any of them, shall, if the right has not accrued before the passing of this Act, be acquired by any person by adverse possession or assertion of

title unless such adverse possession or assertion of title is found to have existed for sixty years.

5. All property, moveable and immoveable, mentioned in the said indenture, or in any of the schedules thereto or in any addition which under section 3 may from time to time be made to those schedules or any of them, shall descend and, subject to the provisions of the said indenture, be enjoyed for ever

by the Nawab Bahadoor of Moorshedabad for the time being.

6. The said indenture shall for all the purposes of all enactments for registration laws, the time being in force be admissible in evidence and have in all other respects the same effect as if it had been duly stamped and registered in such manner as those enactments, or any of them, or any rule or order under any of them, may require.

THE SCHEDULE.

(See preamble and following sections.)

HER MAJESTY'S SECRETARY OF STATE FOR INDIA IN COUNCIL,

to

NAWAB SIR SYUD HUSSAN ALI BAHADOOR.

THIS INDENTURE made the twelfth day of March 1891 between the Secretary of State for India in Council (hereinafter called "the Secretary of State") of the one part and Ihtisham-ul-Mulk Raisud Dowlah Amir-ul-Omrah Nawab Sir Syud Hussan Ali Khan Bahadoor Mohabut Jung, G.C.I.E., Nawab Bahadoor of Moorschedabad (hereafter called "the said Nawab Bahadoor") eldest son of His late Highness Moontazim ul Mulk Mohsen ud Dowlah Fureedoon Jah Syud Monsoor Ali Khan Bahadoor Nusrut Jung late Nawab Nazim of Bengal Behar and Orissa (who is hereinafter referred to as "the said Nawab Nazim") of the other part. *Whereas* the said Nawab Nazim in the year 1838 being then a minor of about the age of ten years succeeded by hereditary descent to the honours and dignities of the Nizamut and Subahdary of Bengal Behar and Orissa and was thereupon declared in and by a proclamation issued and published by and under the authority of the Governor General of India in Council for the time being to be the Nawab Nazim and Subahdar of the Provinces of Bengal Behar and Orissa and to have assumed and to exercise the authority dignities and privileges of the said office and dignity under the style and the title of Moontazim ul Mulk Mohsen ud Dowlah Fureedoon Jah Syud Monsoor Ali Khan Bahadoor Nusrut Jung. *And whereas* the Nawabs Nazim of Bengal Behar and Orissa and their families have under and by virtue of certain treaties and engagements with the British Government received out of the revenues of the Provinces of Bengal Behar and Orissa certain allowances and stipends including the personal stipend of the Nawab Nazim hereinafter mentioned. *And whereas* under various arrangements and in course of the administration of the allowances and stipends secured as aforesaid to the said Nawabs Nazim and their families certain funds known as "Nizamut Deposit Fund" the "Munnee Begum Fund" and the "Moorschedabad Agency Fund" were created and formed the accumulations of which applicable to the support of the title and dignity of the said Nawabs Nazim and their families aggregated at the date of the Indenture of the 1st day of November 1880 hereinafter mentioned about the sum of one crore of rupees. *And whereas* certain questions and differences arose between the said Nawab Nazim and the Government of India upon several matters concerning the position and affairs of himself and the members and dependents of his family known as the Nizamut family. *And whereas* with a view to the settlement of such questions and differences the said Nawab Nazim in the year 1869 with the sanction of the Viceroy and Governor General of India in Council left Moorschedabad the usual place of residence of the said Nawab Nazim and proceeded to England where he remained and resided until the period hereinafter mentioned and where he preferred in person to Her Majesty's Government several complaints and claims arising out of the said questions and differences. *And whereas* in the year 1873 the Government of India passed an Act (namely Act No. XVII of 1873) called the "Nawab Nazim's Debts Act 1873" whereby after reciting *inter alia* that with respect to certain jewels and immoveable property it was disputed whether they belonged absolutely to the said Nawab Nazim or were held by the Government of India for the purpose of upholding the dignity of the Nawab Nazim for the time being and that litigation had consequently arisen between the creditors of the said Nawab Nazim and the Government of India and reciting that the Government of India was desirous of settling the said dispute as to the said jewels and immoveable property it was enacted (*inter alia*) that the Commissioners thereby directed to be appointed should ascertain what jewels and immoveable property were held by the Government of India for the purpose of upholding the dignity of the Nawab Nazim for the time and should certify the particulars of such jewels and property and that their finding thereon should be binding and conclusive on all persons whomsoever. *And whereas* by the said Act the said Commissioners were also directed to ascertain and certify the amount due and owing in respect of the debts and liabilities incurred by the said Nawab Nazim in India. *And whereas* the Government of India subsequently in discharge and in satisfaction of the debts of the said Nawab Nazim which were ascertained and certified as aforesaid by the Commissioners appointed in pursuance of the said Act paid the sum of Rs. 16,85,461-7-54. *And whereas* the money required for the purposes of such payment was provided out of the said Nawab Nazim's personal stipend. *And whereas* the said Nawab Nazim preferred certain claims against the said Secretary of State in respect of the arrears of his said personal

stipend and of other pecuniary claims against the Government of India and in respect of certain jewels and other moneys and property claimed by the said Nawab Nazim on various accounts connected with the Nizamut and otherwise. *And whereas* by Indenture dated the 1st day of November 1880 it was agreed between the said Secretary of State and the said Nawab Nazim that the said Nawab Nazim should be paid and should accept and he was paid and accepted the sum of ten lakhs of rupees in full satisfaction and discharge of all his personal claims of what nature or kind soever against the Government of India whether connected with or arising out of the Nizamut or otherwise the said sum being made up of the following particulars namely—

	Rs.
Out of the balance of personal stipend to 31st October, 1880	7,53,642
Balance of advance of Rs. 4,00,000 from deposit fund made in 1869 to permit of the said Nawab Nazim proceeding to England.	1,50,000
Value of jewels	96,358
Total	10,00,000

And whereas by the report and certificate of the Commissioners appointed under the said Nawab Nazim's Debts Act 1873 bearing date the 13th day of December 1875 the said Commissioners certified and declared that the immoveable property and jewels respectively specified in the schedules annexed to their said report and certificate and numbered respectively I II and V were State property as therein defined and they annexed to such report and certificate a schedule numbered IV showing the rentals payable for the land and buildings included in the said schedules I and II to their said report and the names of the persons to whom such rentals were paid. *And whereas* by and with the previous sanction of the Viceroy and Governor General of India in Council certain of the immoveable properties and jewels specified in schedules I V and VI of the said report and certificate of the said Commissioners have already been sold or are directed to be sold for the purposes hereinafter specified and the remainder of the immoveable properties specified in the said schedules I and II to the said report of the said Commissioners are the properties mentioned and specified in schedules Nos. I and II attached to these presents. *And whereas* the said Nawab Nazim returned from England to India in the month of October 1881 and died at Moorshedabad on the 5th day of November 1884 leaving the said Nawab Bahadoor his eldest son surviving him. *And whereas* it is not considered by the Secretary of State necessary or desirable to maintain any longer the office title position dignities allowances and privileges of Nawab Nazim of Bengal Behar and Orissa. *And whereas* by a Sanad of His Excellency the Viceroy and Governor General of India dated the 17th February 1882 the title of Nawab Bahadoor of Moorshedabad has been granted to the said Nawab Bahadoor. *And whereas* by a notification of the Government of India dated the 20th July 1887 the further title of Amir-ul-Omrah has been also granted by His Excellency the Viceroy and Governor General of India to the said Nawab Bahadoor. *And whereas* the said titles of Nawab Bahadoor of Moorshedabad and Amir-ul-Omrah carry with them the precedence rank dignity and privileges of the premier noble of the Provinces of Bengal Behar and Orissa and are descendible to the lineal heirs male of the said Nawab Bahadoor according to the custom of primogeniture the eldest male of the eldest branch being preferred. *And whereas* it has been agreed between the Secretary of State and the said Nawab Bahadoor that such provision shall be made for the maintenance and support of the Nawab Bahadoor of Moorshedabad and Amir-ul-Omrah for the time being and for the maintenance of the honour and dignity of his station as is herein-after contained and that in consideration thereof the said Nawab Bahadoor shall for himself his heirs and successors in the said station relinquish all claim to the said position and dignity of Nawab Nazim of Bengal Behar and Orissa in manner hereinafter appearing and execute such release in respect of the stipend pay allowances properties privileges and rights thereof or appertaining thereto as is hereinafter contained. *And whereas* it has been agreed between the Secretary of State and the said Nawab Bahadoor that the provision to be made as aforesaid for the support and maintenance of the Nawab Bahadoor of Moorshedabad and Amir ul-Omrah and for the maintenance of the honour and dignity of his station shall comprise and consist of the following particulars namely :—

1st—An annual payment of Rs. 2,30,000 from the revenues of the Government of British India to be made to the Nawab Bahadoor of Moorshedabad for the time being in manner hereinafter mentioned.

2nd—The income of the immoveable properties mentioned and specified in the said 1st and 2nd Schedules to these presents.

3rd—The income of the immoveable properties mentioned in the 3rd Schedule to these presents as purchased with the sale proceeds of the jewels mentioned

and specified in Schedules V and VI to the said report and certificate of the said Commissioners and all properties that may in future be purchased with the sale proceeds of the said jewels.

4th.—The income of properties purchased with the sale proceeds of such of the immoveable properties mentioned and specified in the 1st, 2nd and 3rd Schedules to these presents as may at any time with the sanction of His Excellency the Governor General in Council be disposed of.

And whereas various members of the family of the said late Nawab Nazim other than the said Nawab Bahadoor are as such in receipt of or entitled to certain stipends allowances and pay respectively payable to them by the Government of India and it is not intended by these presents to affect or interfere with such stipends allowances or pay respectively. NOW THIS INDENTURE WITNESSETH that in pursuance of the said agreement between the Secretary of State and the said Nawab Bahadoor and in consideration of the premises and of the conferring of the titles of Nawab Bahadoor of Moorshedabad and Amir-ul-Omrah as hereinbefore appears and of the provision hereinafter made or expressed and intended so to be for the support and maintenance of himself and his successors in the position and station of Nawab Bahadoor of Moorshedabad and Amir-ul-Omrah and for the maintenance of the honour and dignity of the said station and saving and without prejudice to any of the said provisions the said Nawab Bahadoor hath for himself his heirs and successors relinquished and released and doth hereby for ever relinquish and release all claims and demands to the rank dignity and position of Nawab Nazim and Subahdar of Bengal Behar and Orissa and to the title of Nawab Nazim and the authority dignity stipend pay allowances privileges and rights thereof or in any wise thereto annexed or appertaining or therewith enjoyed and doth hereby release and discharge the Secretary of State his successors and assigns and the Viceroy and Governor General of India in Council and each and every of their servants and agents respectively of and from all actions claims and demands whatsoever that could be brought or made by him or his heirs or successors for or in respect of the said title position authority dignity stipend pay allowances privileges and rights as aforesaid and for and in respect of any act deed matter or thing whatsoever done or omitted by the Secretary of State or the Viceroy and Governor General of India in Council or any of their servants or agents acting officially in relation to or affecting the interests or claims of the said Nawab Nazim. AND THIS INDENTURE FURTHER WITNESSETH that in further pursuance of the said agreement and for the considerations aforesaid the Secretary of State for himself and his successors doth hereby covenant with the said Nawab Bahadoor and each one of his lineal heirs male who shall succeed in the manner above recited to the title of Nawab Bahadoor of Moorshedabad and Amir-ul-Omrah that the Secretary of State and his successors shall and will for the due maintenance and support of the said titles of Nawab Bahadoor of Moorshedabad and Amir-ul-Omrah and the position and station thereto attaching and of the honour and dignity thereof pay or cause to be paid annually for ever from the revenues of the Government of India unto the said Nawab Bahadoor and his lineal heirs male in perpetuity the sum of rupees two lakhs and thirty thousand by equal monthly instalments of rupees nineteen thousand one hundred and sixty-six ten annas and eight pies by monthly instalments on or before the 5th day of each and every succeeding month from the Treasury of the Government of India at Berhampore and it is hereby further agreed and declared by and between the Secretary of State and the said Nawab Bahadoor that the several immoveable properties mentioned and specified in the 1st and 2nd Schedules to these presents and also the immoveable property mentioned and specified in the 3rd Schedule thereto (being the immoveable property that has been purchased with the sale proceeds of certain of the jewels mentioned and specified in the V and VI Schedules to the said report and certificate) and also all other the immoveable properties that shall hereafter be purchased with the sale proceeds of any of the said jewels mentioned and specified in the said last mentioned schedules and further all the properties purchased with the sale proceeds of such of the immoveable properties mentioned and specified in the 1st 2nd and 3rd Schedules to these presents as may at any time with the sanction of His Excellency the Governor General in Council be disposed of shall henceforth and for ever be held and enjoyed by the said Nawab Bahadoor and such one among his lineal heirs male as may be successively entitled to hold the said titles in perpetuity with and subject to the incidents powers limitations and conditions as to inalienability and otherwise hereinafter contained that is to say—

1st.—The said Nawab Bahadoor shall not nor shall any of his successors in the said titles sell mortgage devise or alienate the said properties

respectively or any of them otherwise than by lease or demise for a term not exceeding 21 years and under a rent without bonus or salamee.

2nd—It shall be lawful for the Secretary of State and his successors from time to time if any default shall be made in payment of the Government revenue or rates or taxes payable to Government in respect of any of the said immoveable properties to empower the officer in charge of the Treasury at Berhampore or other proper officer to deduct from and retain out of the said monthly sum of Rs. 19,166-10 8 hereinbefore covenanted to be paid the amount of any Government revenue or rates or taxes aforesaid payable in respect of the said immoveable properties or any of them.

3rd—The said Nawab Bahadoor and such of his lineal heirs male as shall in succession be entitled to hold the said titles shall maintain and keep in good repair and condition (reasonable wear and tear and the effects of time fire and earthquake and injury done by public enemies or by overwhelming force excepted) all the messuages tenements houses and buildings now standing or being upon any of the said immoveable properties mentioned and described in the said 1st and 2nd Schedules to these presents respectively (save and except the messuages tenements houses and buildings mentioned and specified in Schedule 2B hereto which the said Nawab Bahadoor and his heirs male successors as aforesaid respectively shall be under no obligation to maintain or repair) and also all the messuages tenements houses and buildings hereafter to be purchased with the sale proceeds of any of the said jewels mentioned and specified in the said V and VI Schedules to the report and certificate aforesaid and of any of the immoveable properties mentioned and specified in the 1st, 2nd and 3rd Schedules to these presents or that may be erected or built upon any land so to be purchased but it shall be lawful for the said Nawab Bahadoor and his heirs male aforesaid successors to the said position and station of Nawab Bahadoor of Moorshedabad and Amir-ul-Omrah from time to time at his or their will and pleasure and discretion to pull down and remove all or any of the said messuages tenements houses and buildings mentioned and specified in the Schedule 2B hereto which are no longer required and to sell and dispose of the materials thereof and apply and dispose of the said materials or the sale proceeds thereof for his or their own use and benefit and in such manner as he or they shall think fit.

In case the said Nawab Bahadoor or any of his lineal heirs male successors to the titles shall at any time in contravention of the terms of these presents attempt to sell mortgage devise or alienate (otherwise than by such lease or demise as aforesaid) any of the immoveable properties aforesaid or shall by a course of extravagance or by waste or mismanagement of their said immoveable properties in the opinion of the Secretary of State for the time being disable himself from duly maintaining the dignity of the said position and station then and from time to time whenever and as often as the same shall happen it shall be lawful for the Secretary of State for the time being at his discretion to enter into and upon the said immoveable properties and to hold and take possession thereof and receive and take the rents issues and profits thereof and also to take and retain the said monthly sum of Rs. 19,166-10-8 payable from the Government Treasury at Berhampore as hereinbefore mentioned for such period during the lifetime of the Nawab Bahadoor of Moorshedabad and Amir-ul-Omrah so acting as aforesaid as to the said Secretary of State shall seem necessary or expedient and the net rents issues and profits of the said immoveable properties and the said monthly sum of Rs. 19,166-10-8 so to be received and taken by the Secretary of State as aforesaid shall be applied for the benefit of the said Nawab Bahadoor of Moorshedabad and Amir-ul-Omrah for the time being for the maintenance of the position and dignity of the said Nawab Bahadoor of Moorshedabad and Amir-ul-Omrah for the time being in such manner as the Secretary of State in his discretion shall think proper PROVIDED ALWAYS and it is hereby agreed and declared between and by the said parties to these presents that nothing herein contained shall apply to or affect any property moveable or immoveable of the said Nawab Bahadoor his heirs representatives or assigns not being property included in any of the Schedules to these presents or not being property purchased with the sale proceeds of the jewels or lands hereinbefore mentioned or not being property mentioned in the next following proviso. Provided further that all furniture equipages boats horses camels and elephants in or about the Palace and the Imambara and belonging to the Nawab Bahadoor of Moorshedabad and Amir ul-Omrah for the time being at the time of his decease shall be the property of and

shall be enjoyed by his successor as such. *In witness* whereof the said parties to these presents have hereunto set their hands and seals the day and year first above written.

Signed sealed and delivered by William John Cunningham Officiating Secretary to the Government of India in the Foreign Department for and on behalf of His Excellency the Governor General of India in Council acting in the premises for and on behalf of the Secretary of State for India in Council in the presence of

(Sd.) G. R. IRWIN,
Offg. Under Secy. to the Govt of India.

(Sd.) G. W. F. BUCKLAND,
Solicitor and Notary Public, Calcutta.

Signed sealed and delivered by the abovenamed Ihtisham-ul-Mulk Raisud Dowlah Amir-ul-Omrah } Nawab Sir Syud Hussan Ali Khan, Bahadoor, Moha- } but Jung, G. C. I. E., Nawab Bahadoor of Moorshed- } abad in the presence of

(Sd.) S. E. J. CLARKE,
Calcutta.

(Sd.) G. W. F. BUCKLAND,
Solicitor and Notary Public, Calcutta.

(Sd.) W. J. CUNNINGHAM,
*Officiating Secretary to the
Government of India.*

Seal.

Seal of
the Nawab
Bahadoor.

SCHEDULE I TO DEED OF SETTLEMENT

PART I.

Taluk or Estates paying revenue directly to Government.

Consec- utive number.	NAME OF ESTATE	Pargannah.	District.	No. on district town	Area shown in the register of the Special Deputy Collector	Studder Jumma.	Name recorded.	REMARKS
1	Pengunah Gopinathpore	Gopinathpore	Moorshedabad	76	B 28,766 3 6	Rs. A 7,353 13 10	Nawab Bahadur of Moorsched- abad	
2	Kismut Chandpore	Kufkara	Ditto	99	6,605 10 3 ^{1/2}	1,415 3 4	Ditto	
3	Do. Rokampore	Rokampore	Ditto	398	12 16 ^{1/2}	4,751 3 9	Ditto	
4	Do. Sankishpore	Shahadpore	Beerbloom	1010	1,39 ^{1/2} 16 16 ^{1/2}	350 1 7	Ditto	
5	Do. Ujara	Mahalani	Moorshedabad	534	2,81 11 16 ^{1/2}	9,2 12 6	Ditto	
6	Bil Amalbanda Goshikanda	Gopinathpore	Ditto	1484	199 16 15 ^{1/2}	52 2 0	Ditto	
7	Panbagh	Asadhaazar	Ditto	1450	107 15 15 ^{1/2}	65 1 1	Ditto	
8	Do. Goshikanda	Rokampore	Beerbloom	388	6,58 1 17 ^{1/2}	2,554 12 0	Ditto	
9	Deh Dihitbangpara	Bazuras Mohabibnupore	Rashidnagar	401	9,12 17 5	1,550 14 9	Ditto	
10	Kismut Mahbuddinupore	Iashitaroje	Ditto	599	956 16 10	1,19 8 0	Ditto	
11	Do. Taraf Jarapore	Kankhole	Sonthai Pergunah	10	6,40 ^{1/2} 1 1 ^{1/2}	294 13 0	Ditto	
12	Taraf Sambalpore	Ditto	Maldah	110	17,758 16 13 ^{1/2}	799 7 0	Ditto	
13	Kawala Baria	Ditto	Purneah	890	401 3 13 ^{1/2}	48 0 0	Humayun Kudr Mohamed Ali Mirza	
14	Bangarua.	Ditto	Ditto	1192	224 5 17 ^{1/2}	44 12 0	Ditto	
15	Dialpore.	Ditto	Ditto	1193	249 4 5 ^{1/2}	13 11 3	Ditto	
16	Guasachu.	Ditto	Ditto	1194	34 13 8 ^{1/2}	13 10 3	Ditto	
17	Diepol	Ditto	Ditto	1205	101 8 17 ^{1/2}	8 15 3	Ditto	

PART 2.

Putni tenures paying rent to zamindars.

Consec- utive number.	NAME OF TALUK.	Pargannah	District.	No. on district town	Area shown in the register of the Special Deputy Collector	Annual rental payable to zamindars.	Name recorded.	REMARKS
1	Taraf Bagdanga	Gosas	Moorshedabad	2722	B 14,117 11 17 ^{1/2}	Rs. 5,332 12 9	Nawab Nazr Sidi Darab Ali, Khan Bahadur	Taluk No. 21 ^{1/2} , sudder 12 ^{1/2} , R. 4,66 ^{1/2} , re- corded proprietors Messrs. Watson & Co
2	Do. Jurapore	Do	Ditto	523	4,6 0 13 3 ^{1/2}	2,037 11 8	Ditto	Part of taluk "o 5 ^{1/2} , Huda E. ^{1/2} , recorded prop- rietors Jumuna Kumar and others
3	Taluk Rajhati	Bharul	Ditto	493	9,391 19 8 ^{1/2}	1,988 7 2	Nawab Multa Zamani Begum.	Taluk No. 10 ^{1/2} , i.e. three halks a.e. held in part from Rau Hurro Soon Do, 822, 832, 837, who is the recorded pro- prietor
4	Do. Bishenjan Satlakh	Morarpore	Ditto	822	3 3 15 8 ^{1/2}	230 3 6	Ditto	This taluk has been surveyed along with Num- gr. "N, a "toma 0, Rabat
5	Do. Kt. Khati	Mhargau	Ditto	837	50	3,305 0 0	Nawab Nazr Sidi Darab Ali, Khan Bahadur	Taluk "o 3 ^{1/2} , under Jama R. 1,043 2 7, record- ed proprietors Jumuna Kumar and others
6	Taraf Ahura	Bharul	Ditto	1115	11 ^{1/2}			

PART 3.

Mahals, lakhiraj and khiraji, in District Moorschedabad.

2	3	4	5	6	7	8	9	10	AREA SHOWN IN THE REVISED REGISTRY OF THE SPECIAL DISTRICT COLLECTOR				Rental payable to zamindars per annum	To whom rental payable	REMARKS.	
									Munzil	Taraf.	Pergannah	Lakhraj	Khraj	Total		
1	18	Chaul Nozbad	Bodespara	Kumrapore	Asadnagar	B. K. G	B. K. G	B. K. G	Asadnagar	Urdubazar	Asadnagar	12 3 0	12 3 0			
2	19	Chandu Chauk	Ashar Khan	Urdubazar	Ditto	36 1 0	36 1 0	36 1 0	Ditto	Kumrapore	Asadnagar	5 12 0	5 12 0			
3	31	Haveli Nathurang	Kumrapore	Urdubazar	Ditto	54 4 61	54 4 61	54 4 61	Ditto	Kumrapore	Asadnagar	5 12 0	5 12 0			
4	1	Alang Ashur Khan	Bodespara	Gauhat	Ditto	23 12 8 ¹	0 13 12 ¹	23 6 14	Ditto	Urdubazar	Asadnagar	54 4 62 ¹	54 4 62 ¹			
5	55	Rapabazaar or Chota Kaighar.	Dehajara	Kumrapore	Asadnagar	30 7 8 ¹	0 18 12 ¹	30 7 8 ¹	Ditto	Mulki pore	Asadnagar	23 6 14	2 12 2 ¹	Zamindar of mahal Dohapara, Azimgunge, &c		
6	44	Mian Ambar Muzaj	Rapabazar	Kumrapore	Asadnagar	30 7 8 ¹	0 18 12 ¹	30 7 8 ¹	Ditto	Mulki pore	Asadnagar	30 7 8 ¹	..			
7	20	Chittakana Gowalki	Bodespara	Kumrapore	Asadnagar	80 6 11 ¹	0 18 12 ¹	81 6 11 ¹	Ditto	Kumrapore	Asadnagar	1 10 6	1 10 6	Zamindar of taraf Kunrapsore		
8	21	Chandina Sitalana Kalan	Bodespara	Urdubazar	Asadnagar	288 12 15	..	288 12 15	Ditto	Urdubazar	Asadnagar	..				
9	59	Shangaybagh	Killa	Kumrapore	Asadnagar	6 5 11 ¹	..	6 5 11 ¹	Ditto	Nurnahomedpore	Asadnagar	..				
10	1	Asifurkhana Khan Tafsi	Kumrapore	Kharkati	Asadnagar	15 3 13 ¹	4 9 5	19 12 18 ¹	Ditto	Kumrapore	Asadnagar	..				
11	28	Gunditola in Kulaura	Kumrapore and Bazar	Kharkati	Asadnagar	41 15 7 ¹	14 6 18 ¹	56 2 6 ¹	Ditto	Munzir Khan.	Asadnagar	7 15 4	7 15 4	Navab Rassimissa Begum, Rs 3. Zamular of taraf Kumrapore, Rs 4 15 4		
12	39	Kheriarbagh	Dargah Hossain Boksh	Urdubazar	Asadnagar	26 3 11 ¹	1 0 18 ¹	27 4 10	Ditto	Kharkati	Asadnagar	6 1 ¹	6 1 ¹	Zamindar of Kumrapore and Urdubazar		
13	40	Hossen Bagh Choti Bih	Hossen Bagh	Urdubazar	Asadnagar	7 7 1 ¹	3 3 3 ¹	10 10 18 ¹	Ditto	Kharkati	Asadnagar	3 4 10	3 4 10	ditto		
14	51	Katra Moharak Mahal	Bazar Golam Hossain Khan.	Urdubazar	Asadnagar	0 1 10	0 1 10	0 1 10	Ditto	Bazar Golam Hossain Khan.	Asadnagar	0 1 10	0 1 10	Estate of Darab Ali Khan.		
15	3	Pandarpur Bagh	Urdubazar	Urdubazar	Asadnagar	27 4 12 ¹	27 4 12 ¹	27 4 12 ¹	Ditto	Kumrapore	Asadnagar	..				
16	35	Ikhaganj	Devpore	Nurnahomedpore	Asadnagar	2 8 10	2 8 10	2 8 10	Ditto	Devpore	Asadnagar	..				
17	9	Bagh Pui Asan Utah Khan	Nauvali	Nurnahomedpore	Asadnagar	16 15 8 ¹	1 14 16 ¹	20 10 5	Ditto	Handargunge	Asadnagar	3 10 3	3 10 3	Zamindar of Nurnahomedpore, Rs 27 1 ¹ 5		
18	2	Ambarpore	Dehajara	Baumalpore	Asadnagar	7 17 7 ¹	38 4 18 ¹	95 3 6 ¹	Ditto	Fatha Moharakbagh	Asadnagar	51 14 10	51 14 10	Zamindar of Kanapara, Rs 27 1 ¹ 5		
19	26	Fazbagh	Dehajara	Dasra Baumalpore	Asadnagar	..	..	..	Ditto	Dasra Baumalpore	Asadnagar	..	..	Uma Kanti Sevak and Chunder Mani Gupta, as 10		

Jalibagh, a monza of Galah bagh, has been included in mahal Ichaganj by the Special Deputy Collector, Jalibagh monza

PART 3—continued.

Mahals, lakhraj and khirji, in District Moorshedabad—continued.

1	2	3	4	5	6	7	8	9	10
AREA SHOWN IN THE REVISED REGISTER OF THE SPECIAL DEPUTY COLLECTOR.									
Name of Mahal,	Mouza,	Taraf,	Perganah,	Lakhraj,	Khirji.	Total.	B. K. G.	B. K. G.	Rs. A. P.
							.....	4 1 0	9 8 8
36. 37. Yam Khan, Arzabegi Bagh	Kurnitala	Kurnapore	Asadnagar	Ditto	Ditto	Ditto	3 2 15	3 4 8	Hoolash Chand Bothra, Rs. 8-8-8.
38. 39. Tirkatoh Bagh	Kurnitala	Ditto	Ditto	Ditto	Ditto	Ditto	5 8 18 $\frac{1}{2}$	19 0 8	Zamindar of taraf Katumpore, Rs. 1-0-8 $\frac{1}{2}$
40. 41. Karimabadganj	Ransagur	Ransagur	.....	.....	.....	.....	18 $\frac{1}{2}$ 18 $\frac{1}{2}$	19 0 8	Zamindar of taraf Kunrapore.
42. 43. Pepulpati Bagh	Ganj Karimabad and Kurnitala.	Kurnapore	Ditto	Ditto	Ditto	Ditto	.....	.....	Zamindar of Kurnitala, Rs. 5-3-6.
44. 45. Hosseinbagh, Navasi Khananah	Ganj Karimabad Urdhabazar Hamangaj	Urdhabazar	Chunabhalli Asadnagar	Ditto	Ditto	Ditto	2 16 17 $\frac{1}{2}$	2 16 17 $\frac{1}{2}$	Zamindar of Ransagor, Rs. 13-13-3.
46. 47. Purbbagh	Kamlabagh	Ganjiet	Ditto	Ditto	Ditto	Ditto	13 14 10	13 14 10	.....
48. 49. Makbarah, Katra Jaffrathan	Kurnapore Khaipore Lezindapore	Dilawarpore	Chunabhalli Asadnagar	Ditto	Ditto	Ditto	53 10 17 $\frac{1}{2}$	66 5 7 $\frac{1}{2}$	Zamindar of Handamganj, Rs. 71-0-10.
50. 51. Akbarbagh	Kharkati Kurnatore Kurnitala Sabri Kali Kavipara	Ganjiet	Ditto	Ditto	Ditto	Ditto	275 4 1 $\frac{1}{2}$	275 16 3 $\frac{1}{2}$	Rahanobun Ghosh, Rs. 1-1-3.
52. 53. Akbarbagh	Shurasengar	Ganjiet	Ditto	Ditto	Ditto	Ditto	0 14 2 $\frac{1}{2}$	2 4 8	Nilmadhub Dutta, Rs. 18-18-11.
54. 55. Akbarbagh	Shurasengar	Ganjiet	Ditto	Ditto	Ditto	Ditto	275 4 1 $\frac{1}{2}$	2 4 8	Estate of Larab Ali Khan, Rs. 26-10.
56. 57. Akbarbagh	Shurasengar	Ganjiet	Ditto	Ditto	Ditto	Ditto	275 4 1 $\frac{1}{2}$	2 4 8	Zamindar of taraf Kunrapore.
58. 59. Dilkusha or Difatbagh	Ganjiet Akbarbagh Shurasengar	Ganjiet	Ditto	Ditto	Ditto	Ditto	80 8 12 $\frac{1}{2}$	204 1 10	Zamindar of Ganjiet, Rs. 24-1-8.
60. 61. Rehmatbagh	Jusi Toqthana Nurmahomedpore	Ganjiet	Ditto	Ditto	Ditto	Ditto	2 17 10	2 17 10	Zamindar of Akhinchhat, Rs. 88-10.
62. 63. Shukrati Hawatitagh	Nurmahomedpore	Ganjiet	Ditto	Ditto	Ditto	Ditto	85 7 17 $\frac{1}{2}$	85 7 17 $\frac{1}{2}$	Zamindar of Ransagor, Rs. 91-6-2.
64. 65. Nattakhalitagh	Nurmahomedpore	Ganjiet	Ditto	Ditto	Ditto	Ditto	3 14 17 $\frac{1}{2}$	9 2 13 $\frac{1}{2}$	Estate of Darab Ali Khan, Rs. 6-2-3.
66. 67. Begamshahid Begamshahid Begamshahid Begamshahid	Kanapara	Kanapara	Ditto	Ditto	Ditto	Ditto	.....	.....	Zamindar of Nurmahomedpore, Rs. 8-15-7.
68. 69. Beg Basant Immanbarah	Hinsanagar	.....	.....	.....	.....	.....	8 1 13 $\frac{1}{2}$	3 1 13 $\frac{1}{2}$	Zamindar of Nurmahomedpore.
70. 71. Beg Basant Talao	.....	.....	.....	.....	.....	.....	2 9 13 $\frac{1}{2}$	4 14 5	Ditto, Rs. 7-15-5.
72. 73. Beg Khananah	.....	.....	.....	.....	.....	.....	2 13 10	2 13 10	Zamindar of Kunrapore, Rs. 27-14-6.
74. 75. Beg Khananah	.....	.....	.....	.....	.....	.....	2 13 10	2 13 10	Estate of Basaut Ali Khan, Rs. 4-4-2.

PART 3—concluded.

Mahals: *lekhraj and khiraji, in District Moorschedabad—concluded*

1	2	3	4	5	6	7	8	9											
Name of Mahal.				Munza		Taraf.	Pergannah		Area shown in the revised Register of the Special Deputy Collector.				REMARKS.						
Number of the revised number Collector's number of the revised collector				Name of Mahal.		Taraf.	Pergannah		Lahura		Khrajai		Total		Rental payable to zamindars per annum				
78	4	Hungajah	Harigaj	Mullickpore	Mullickpore	Rokampore	B K G	B E G	B K G	B E G	B K G	B E G	Rs A P	Zamindar of Mullickpore.					
79	8	Mohimpore and Mirpore	Mohimpore	Ditto	Ditto	Ditto	8 11 0	8 11 0	13 4 0	13 4 0	13 4 0	13 4 0	9 3 6	Zamindar of Bahu Shampore.					
80	7	Bhagwalgah	Bala	Ditto	Ditto	Ditto	12 1 8 1	12 1 8 1	12 1 8 1	12 1 8 1	12 1 8 1	12 1 8 1	4 0 0	Zamindar of Bahu Shampore.					
81	1	Nerabnagar	Mewakhana, Chak Bhopal.	Mewakhana	Chakia, Lash- Lapore, Sheb- Bajpore, Ba- hadarpore	1,370 19 64	1,370 19 64	1,370 19 64	1,370 19 64	1,370 19 64	1,370 19 64	1,370 19 64	1,370 19 64	1,370 19 64	1,370 19 64	Zamindar of Mullickpore.			
82	3	Goba Anaragh	Budharpore, Khar-Ishambagh	Ditto	Budhar	Budhar	77 13 8 1	77 13 8 1	77 13 8 1	77 13 8 1	77 13 8 1	77 13 8 1	8 1 0						
83	1	Navabganj and Rezaganj	Navabganj	Ditto	Navabganj	Navabganj	77 5 31	77 5 31	77 5 31	77 5 31	77 5 31	77 5 31	6 1 0						
84	2	Niampara and Bichhatra	Bichhatra	Ditto	Bichhatra	Bichhatra	56 14 64	56 14 64	56 14 64	56 14 64	56 14 64	56 14 64	6 1 0						
85	3	Baghara, Runna	Baghara	Ditto	Baghara	Baghara	77 5 31	77 5 31	77 5 31	77 5 31	77 5 31	77 5 31	6 1 0						
86	4	Kushikhana	Dewansara	Ditto	Dewansara	Dewansara	44 19 11	44 19 11	44 19 11	44 19 11	44 19 11	44 19 11	1 1 0						
87	13	Gopalpore	Jungpore	Ditto	Gopalpore	Gopalpore	16 0 14	16 0 14	16 0 14	16 0 14	16 0 14	16 0 14	1 1 0						
88	8	Farpore Singuli	Kranamgar	Ditto	Kranamgar	Kranamgar	112 2 5	112 2 5	112 2 5	112 2 5	112 2 5	112 2 5	5 1 0						
89	9	Elaiphore Badhal	Elaiphore Badhal	Ditto	Elaiphore Badhal	Elaiphore Badhal	60 15 7 1	60 15 7 1	60 15 7 1	60 15 7 1	60 15 7 1	60 15 7 1	5 1 0						
90	17	Sardhabhatti	Annagar	Ditto	Annagar	Annagar	127 16 6	127 16 6	127 16 6	127 16 6	127 16 6	127 16 6	1 1 0						
91	17	Almagar	Ditto	Almagar	Almagar	Almagar	19 12 15	19 12 15	19 12 15	19 12 15	19 12 15	19 12 15	1 1 0						
92	2	Sadakbagh	Sadakbagh	Ditto	Sadakbagh	Sadakbagh	1,058 0 11 1	1,058 0 11 1	1,058 0 11 1	1,058 0 11 1	1,058 0 11 1	1,058 0 11 1	1 1 0						
93	4	Benapara Runna	Benapara	Ditto	Benapara	Benapara	1,789 0 12 7	1,789 0 12 7	1,789 0 12 7	1,789 0 12 7	1,789 0 12 7	1,789 0 12 7	1 1 0						
94	2	Ilobhuddipore Runna	Bilpara	Ditto	Bilpara	Bilpara	3,27 3 8 1	3,27 3 8 1	3,27 3 8 1	3,27 3 8 1	3,27 3 8 1	3,27 3 8 1	1 1 0						
95	3	Shekhdigh Runna	Shekhdigh	Ditto	Shekhdigh	Shekhdigh	3,93 12 5	3,93 12 5	3,93 12 5	3,93 12 5	3,93 12 5	3,93 12 5	1 1 0						
96	1	Garshana Runna	Garshana	Ditto	Garshana	Garshana	2,57 1 2 8 1	2,57 1 2 8 1	2,57 1 2 8 1	2,57 1 2 8 1	2,57 1 2 8 1	2,57 1 2 8 1	1 1 0						
97	1	Bajpore Runna	Bajpore	Ditto	Bajpore	Bajpore	1,59 1 11 16 1	1,59 1 11 16 1	1,59 1 11 16 1	1,59 1 11 16 1	1,59 1 11 16 1	1,59 1 11 16 1	1 1 0						
98	3	Benodebati Runna	Gorparan	Ditto	Gorparan	Gorparan	77 5 5	77 5 5	77 5 5	77 5 5	77 5 5	77 5 5	1 1 0						
99	5	Mirapara	Mirapara	Ditto	Mirapara	Mirapara	Goldbagh	Goldbagh	Goldbagh	Goldbagh	Goldbagh	Goldbagh	1 1 0						
100	3	Golabagh	Bonapara	Ditto	Bonapara	Bonapara	Asadnazar	Asadnazar	Asadnazar	Asadnazar	Asadnazar	Asadnazar	1 1 0						
			Palash Pothar	Ditto	Palash Pothar	Zokhrabagh	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	1 1 0						
			Zokhrabagh	Ditto	Zokhrabagh	Ar radbagh	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	1 1 0						
			Ar radbagh	Ditto	Ar radbagh	Heraul	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	1 1 0						
			Heraul	Ditto	Heraul	Mahunagar	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	1 1 0						
			Mahunagar	Ditto	Mahunagar	Farawang	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	1 1 0						
			Farawang	Ditto	Farawang	Haidargau	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	1 1 0						
			Haidargau	Ditto	Haidargau	Gorja	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	1 1 0						
			Gorja	Ditto	Gorja	Co anagh	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	1 1 0						
			Co anagh	Ditto	Co anagh	A. I. Ingari	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	1 1 0						
			A. I. Ingari	Ditto	A. I. Ingari		Ditto	Ditto	Ditto	Ditto	Ditto	Ditto	1 1 0						

103	35	Huda Bubiganj	Amrapore	Satkhali	Ditto	Murarpore	165 0 5	165 0 5	165 0 5
103	9	Moharalgunge	Ashankhna	Dadas met	Rohampore	Assadnagar	142 10 13 $\frac{1}{2}$	142 10 13 $\frac{1}{2}$	142 10 13 $\frac{1}{2}$
104	10	Mohalagh	Rosh-	Satkhali	Ditto	Ditto	..	33 17 17 $\frac{1}{2}$	33 17 17 $\frac{1}{2}$
105	11	Makarsabagh	Shankhna	Makarsa	Ditto	Ditto	8 5 17 $\frac{1}{2}$	8 5 17 $\frac{1}{2}$	10 10 6
106	12	Nazazzon	Rosh-	Nausaon	Ditto	Ditto	103 4 17 $\frac{1}{2}$	103 4 17 $\frac{1}{2}$	..
107	1	Farrahganj	Shankhna	Farrahganj	Ditto	Ditto	31 3 10	31 3 10	..
108	7	Lalot	Sagarbagh	Lalot	Ditto	Bharat	161 3 2 $\frac{1}{2}$	101 3 2 $\frac{1}{2}$	..
109	6	Monandra	Sagarbagh	Rajbati	Nundibhati	Ditto	29 17 10	29 17 10	..
110	7	Burrabaghza,	Nundibhati	Nundibhati	Rajbati	Ditto	59 2 0	59 2 0	100 0 0
111	3	Chak Azizullah, Kismut Shar-	Gaj Rajbati	Gaj Rajbati	Ditto	Ditto	79 12 11 $\frac{1}{2}$	79 12 11 $\frac{1}{2}$	40 0 0
		rai, Sudder, Dcor, and							Ditto ditto
		Kismut Choyra, Rap							
		Sinsh							
112	4	Kishenbagh	Barangar	Barangar	Ditto	Mahalandi	40 16 8	41 9 15	17 9 15
113	1	Ugara	Ugara	Ugara	Chandpore	Kulba ia	7,586 13 1 $\frac{1}{2}$	40 16 8	..
114	1	Chandpore Rumna	Hamaunagar	Hamaunagar	Ditto	Ditto	7,586 13 1 $\frac{1}{2}$	..	..
115	3	Goumpore Rumna	Mausunagar	Mausunagar	Gourpore	Chunabali	5,312 9 8 $\frac{1}{2}$	5,312 9 8 $\frac{1}{2}$	..
116	9	Gonalagar	Begunmagar	Begunmagar	Amanpara	Dittu	423 10 10	423 10 10	..
117	10	Gopalpore	Gopalpore	Gopalpore	Kulbari	Dittu	21 2 0	21 2 0	..
118	2	Dharanpore Rumna	Dharampore	Dharampore	Fatlung	Kulbari	3,279 18 2 $\frac{1}{2}$	3,279 18 2 $\frac{1}{2}$	..
119	1	Barkhan Rumna	Barkhan Rumna	Barkhan Rumna	Palast	3,316 13 11 $\frac{1}{2}$	3,316 13 11 $\frac{1}{2}$	..	..
120	1	Dadpore Hayel	Dadpore	Dadpore	..	..	117 18 0	117 18 0	..

The former Jama was Rs 26 $\frac{1}{2}$
and Rs 4 $\frac{1}{4}$ enhanced
recent settlement

Transferred from District
Berhampore to Moorshead-
abad
Transferred from Nudka to
Moorsheadabad

PART 3.
*List of Mozas included in Mahals mentioned in the Nizamut Commission Declaration, but surveyed separately by the Special Deputy Collector,
District Morshedabad.*

Consecutive No.	No. of the revised register of the Special Deputy Col- lector.	NAME OF MAHAL.	Mouza.	Taraf.	AREA SHOWN IN THE REVISED RE- GISTER OF THE SPECIAL DEPUTY COLLECTOR.			Lakhaj.	Khraj.	Total.	B. K. G.	B. K. G.	B. K. G.	Rs. A. P.	Rental payable to zamindar per annum.	To whom rental payable.	REMARKS.	10
					5	6	7											
1	2	3	4															
1	18	Harishpore, Goalpara	Harishpore, Goal- para.					Chunakhal			80 5 15	...	80 5 15	...	...	...	...	Included in mahal Rumna Gouripore.
2	8	Chopsibagh	Chopsibagh					Bharul			36 18 15	...	36 18 15	...	...	...	...	Huda Bibigunge.
3	9	Falsabagh	Kumarpore					Ditto			95 8 0	...	95 8 0	...	...	...	...	Golabagh.
4	11	Bagh Nowbut Rai	Bagh Nowbut Rai					Ditto			10 2 12 $\frac{1}{2}$	...	10 2 12 $\frac{1}{2}$	...	...	...	...	Huda Bibigunge.
5	10	Chota Falsabagh	Kumarpore					Ditto			14 18 7 $\frac{1}{2}$	...	14 18 7 $\frac{1}{2}$	...	...	...	...	Ditto ditto.
6	4	Begamganj	Begamganj					Gowas			58 10 11 $\frac{1}{4}$	...	58 10 11 $\frac{1}{4}$	...	...	...	...	Nawabganj Rezaganj.
7	3	Jhul Jhorial Daha	Jhul Jhorial Daha					Ghaisabad			116 17 16 $\frac{1}{2}$	...	116 17 16 $\frac{1}{2}$	...	...	...	...	Rumna Baghsarai.
8	67	Bairagibagh	Khanpore					Asadnagar			13 4 15	...	13 4 15	...	...	...	...	Ditto Poshta Motejil.
9	12	Nundibati	Aminbazar					Bharul			5 10 10	...	5 10 10	...	...	...	...	Huda Bibigunge.
10	20	Katgolabagh, Dultaan Begam.	Katgolabagh					Chunakhal			4 6 0	...	4 6 0	...	...	...	...	Azimnagar, Jaffirganj.

PART 4.
Mahals in other Districts.

1	2	3	4	5	6	AREA SHOWN IN THE REVISED REGISTER OF THE SPECIAL DEPUTY COLLECTOR.		7	8	9	10	REMARKS.			
No. of the revised Register of the Special Deputy Collector.		NAME OF MAHAL.		Mouza.		Pergunnah.		District.		Lakhraj.		Khiraj.		Total.	
1	2	3	4	5	6	B. K. G.		B. K. G.		B. K. G.		B. K. G.		Rs. A. P.	
1	1	Kasimganj and Nawabganj.	Nawabganj.	Kankhole	Sonthal	309 13 8 $\frac{1}{4}$		309 13 8 $\frac{1}{4}$		309 13 8 $\frac{1}{4}$		309 13 8 $\frac{1}{4}$		...
2	2	Nageshwarbagh	Nageshwarbagh	Ditto	Pergrinnaus.	811 4 17 $\frac{1}{4}$		811 4 17 $\frac{1}{4}$		811 4 17 $\frac{1}{4}$		811 4 17 $\frac{1}{4}$		...
3	3	Muskhbagh.	Muskhbagh	Ditto	Ditto	96 11 16 $\frac{1}{4}$		96 11 16 $\frac{1}{4}$		96 11 16 $\frac{1}{4}$		96 11 16 $\frac{1}{4}$		...
4	4	Mohiuddinpore	Mohiuddinpore	Laskarpore.	Raiyahye	107 12 10		107 12 10		107 12 10		107 12 10		...	
5	5	Shersupore	Shersupore	Ditto	Ditto	402 18 13 $\frac{1}{4}$		402 18 13 $\frac{1}{4}$		402 18 13 $\frac{1}{4}$		402 18 13 $\frac{1}{4}$		...
6	6	Emamganj	Emamganj	Gurishat	Ditto	4,627 17 10		4,627 17 10		4,627 17 10		4,627 17 10		...	
7	7	Harinagobra	Harinagobra	Bahirbund.	Rungpore	Patna.		159 17 16 $\frac{1}{4}$		159 17 16 $\frac{1}{4}$		159 17 16 $\frac{1}{4}$		...
		Nazimuddin Aliganj	Nazimuddin Aliganj	Aiiganj.	Katea, P. a K. urdowlah, Bagh Jaffirkhana.	Hooghly		3 4 8 $\frac{1}{4}$		3 4 8 $\frac{1}{4}$		3 4 8 $\frac{1}{4}$		...
				Konnogur	Konnogur	Dacca.		1 6 16 $\frac{1}{4}$		1 6 16 $\frac{1}{4}$		1 6 16 $\frac{1}{4}$		...
				Chandni Ghât	Chandni Ghât	Moydappatty, &c.		14 16 0		14 16 0		14 16 0		...	
				Calcutta	Calcutta	Jorasanko		0 10 18 $\frac{1}{4}$		0 10 18 $\frac{1}{4}$		0 10 18 $\frac{1}{4}$		...
				Ditto	Ditto										

List of landed Estates over and above Parts 3 and 4 surveyed separately by the Special Deputy Collector in charge Nisamut Land Survey.

PART 5.

SCHEDULE II TO DEED OF SETTLEMENT.

A.

List of Nizamut State Buildings to be permanently maintained.

No	Number in the list submitted with No. 195 N, dated 25th November 1882, to Government	Buildings.	Occupants.	Remarks of Nawab Bahadur	Remarks by Collector.
<i>Within Palace precincts</i>					
1	1	Large Palace . . .	Nawab Bahadur of Moonshed-abad.	.	Including sun-dial with iron railings.
2	2	South entrance gateway .	Ditto		
3	3	Quarters of body-guard .	Ditto		
4	4	Khansamai and Tiarash khanah.	Ditto . .	The entire northern block of the khansamai. The whole of the tierash-khanah, excepting the rooms on both sides of its entrance gate	
5	7	Baitakhanah and mahal salar.	Ditto . .	Including the new dwelling-house with all the out-offices.	
6	11	{ Clock tower	Ditto. Ditto . .	... .	The new dwelling-house with its out-offices is the new construction which the Nawab is building, and when the grant of Rs. 30,000 was made by Government this new dwelling-house was not in existence.
7	12	Large Imambarah .	Ditto.		
8	16	Small musjid on river bank near Darab Ali's house.	Ditto.		
9	17	Small musjid on river bank near large Palace.	Ditto.		
10	18	Side of old Medina . .	Ditto.		
11	...	The gateway (chauk entrance).	Ditto.		
12	...	Bawarchikana quadrangle	Ditto . .	... .	Included in No. 3 of Statement B, of which it is a continuation.
13	20	Large stables with out-offices.	Ditto . .	Excepting the two middle blocks and the out-offices.	
14	30	Stables at Bahramgunge .	Ditto.		
15	28	Garden house Mobarak Manzil with out-offices.	Ditto. Ditto . .	Excepting the two guard-houses, gao-khanah, godown near kutcheh house, and the eastern projection of the bawarchikhana.	
16	...	Palace roads	Ditto.		

SCHEDULE II.

B.

List of Nizamat State Buildings, the maintenance of which is optional.

No.	Number in the list submitted to Government with No. 195N, dated 25th November.	Buildings.	Occupants.	Remarks by the Nawab Bahadour.	Remarks by the Collector.	
1	5	Within Palace precincts.	Nawab Raisunnissa Begam's Deori.	Nawab Raisunnissa Begam.	Optional	Her own quarters, also Khorshedmahal and No. 1, Rownuck Afza. Fulluck Kudr Nazir Ali Muza oor Chootoo Sahib and Hatem Kudr Kakkous Muza live with her in this Deori. In the apportionment of Nizamat State buildings, under Government Order No. 1765 P., dated 13th October, 1881, this building was made over to her for her use, and to be repaired in future by her at her own expense.
2	6	Rungmahal and Khoishedmahal.	Anjum Kudr Daood Mirza.	Anjum Kudr Daood Mirza.	Ditto	Rungmahal occupied by Anjum Kudr and Khoishedmahal by Nawab Raisunnissa Begum. The above remark applies in this case also as regards the present use and future repairs of the building.
3		His Highness' Deori, including Prince's quadrangles.	Wala Kudr and his mother Nawab Shahnissa Begam.	Wala Kudr and his mother Nawab Shahnissa Begam.	Ditto	Imambah quadrangles included. Remarks as above.
		Ditto . . .	Nawab Bahadour . . .	Optional, unoccupied.	Lalbandia quadrangles and Mewahkhana included. Remarks as above.	
		Ditto . . .	Ditto . . .	Optional	Motimahal of Nawab Bahadour's present quarters. Remarks as above.	
		Ditto . . .	Humayun Kudr Mahomed Ali Mirza oor Amir Saheb.	Ditto	Occupied by his heirs. Remarks as above.	
		Ditto . . .	Khanams and Harem, heirs of late Misan Saheb and Bakru Mirza.	Ditto	No 1, Rekabkhana. " 2, ditto. " 3, ditto. " 4, Chandimahal and Khawashpura. Remarks as above.	
4	9	Arched buildings east of Amir Saheb's gateway.	Nawab Bahadour . .	Nawab Bahadour . .	Ditto	Remarks as above.
5	10	Rownuck Afza	Asman Kudr . . .	Asman Kudr . . .	Ditto	Old mehal, setai No. 2 quadrangle.
		Ditto . . .	Suuya Kudr . . .	Ditto	Ditto " 6 ditto.	
		Ditto . . .	Dara Kudr . . .	Ditto	Ditto " 4 ditto.	
		Ditto . . .	Kaos Kudr . . .	Ditto	Ditto " 3 ditto.	
		Ditto . . .	Jaffer Mirza . . .	Ditto	Ditto " 5 ditto.	
					Remarks as above.	
6	13	Dewan's official residence.	Soleman Kudr and Khoished Kudr.	Soleman Kudr and Khoished Kudr.	Ditto	Dwelling-house, stables, coach-house, a portion of cook-house. Remarks as above.
7	14	Residence of Nawab Zainul Abdeen.	Nawab Zainul Abdeen	Nawab Zainul Abdeen	.	
8	15	Darab Ali Khan's residence.	Meah Arjumund Meah Amangoonga.	Meah Arjumund Meah Amangoonga.	Optional	This comprises Darab Ali Khan's house and Imambah which Nawab Bahadour owns by a will. Also separate quarters of Meah Arjumund and Amangoonga.
9	19	Barrack outside .	Nawab Bahadour . .	Nawab Bahadour . .	Ditto	Entered as guard-house in declaration of Nizamat Commission.
10	24	House of Sultan Gaitiarah Begam.	Sultan Gaitiarah Begam.	Sultan Gaitiarah Begam.	Ditto	Khorshed Kudr Bahram Mirza lives in this Deori with his aunt. Remarks as above, No. 1.
11	25	House of Asufuddin Ali, now his grandson Fyazuddin Ali.	Syud Fyazuddin Ali .	Syud Fyazuddin Ali .	...	Occupant is the grandson of Asufuddin Ali. The house will be repaired by him.
12	26	House of Nawab Syud Jaffer Ali Khan.	Syud Mozuffer Ali .	Syud Mozuffer Ali .	...	Occupant is grandson of Nawab Jaffer Ali Khan. He pays Rs. 80 per mensem for repairs, which is executed by Public Works Department under Government Order No. 571 P., dated the 1st March, 1882.
13	27	Motijil garden-house without out-offices	Nawab Bahadour .	Nawab Bahadour .	Optional.	

SCHEDULE III TO DEED OF SETTLEMENT.

No.	Name of Estate.	Pergunnah.	District.	Number on district towji.	Area.	Government revenue	REMARKS.
1	Kila Nayagram.	Kila Nayagram.	Midnapore	1544	B. K. G. 365,603 19 11	Rs 500	The area shown in column 6 includes valid lakhs of acres belonging to others. This pergunnah was purchased from sale proceeds of jewels, (Schedules V and VI of Nizamut Commissioners) at a cost of Rs 5,00,000.

Witnesses—

(Signed) G. R. IRWIN,
Officiating Secretary to the
Government of India

(Signed) G. W. F. BUCKLAND.

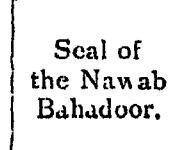
Witnesses—

(Signed) S. E. J. CLARKE,
Calcutta.

(Signed) G. W. F. BUCKLAND.

(Signed) W. J. CUNNINGHAM,
Officiating Secretary to the
Government of India.

(Signed) HUSSAN ALI MIRZA.



Seal

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to confirm, and give effect to, an arrangement settled in an indenture made on the 12th instant between the Secretary of State for India in Council and the Nawab Bahadoor of Moorshedabad, Amir-ul-Omrah.

The indenture is scheduled to the Bill.

Section 6, which is beyond the terms of the indenture, has been added by order of the Governor General in Council.

The 19th March, 1891.

ANDREW R. SCOBLE.

S. HARVEY JAMES,
Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, MAY 16, 1891.

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PART V.

Bills introduced into the Council of the Governor General of India for making Laws and Regulations, or Reports of Select Committees presented to the Council.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 14th May 1891.

NO. 9 OF 1891.

A Bill to declare certain Courts in British India to be Colonial Courts of Admiralty.

WHEREAS it is provided by the Colonial Courts of Admiralty Act, 1890, that the Legislature of a British possession may by any colonial law declare any Court of unlimited civil jurisdiction in that possession to be a Colonial Court of Admiralty,

And whereas it is expedient, in pursuance of that provision, to declare certain Courts in British India to be Colonial Courts of Admiralty;

It is hereby enacted as follows:

Title and commencement.

I. (1) This Act may be called the Colonial Courts of Admiralty (India) Act, 1891; and

(2) It shall come into effect,—

(a) if Her Majesty's pleasure thereon has been signified, by notification in the *Gazette of India* on or before the

first day of July 1891, then on that day; or

(b) if Her Majesty's pleasure thereon has not been so signified on or before that day, then on the day on which Her Majesty's pleasure shall be signified by such a notification as aforesaid.

Appointment of Colonial Courts of Admiralty. 2. The following Courts of unlimited civil jurisdiction are hereby declared to be Colonial Courts of Admiralty, namely.

- (1) the High Court of Judicature at Fort William in Bengal;
- (2) the High Court of Judicature at Madras;
- (3) the High Court of Judicature at Bombay;
- (4) the Court of the Recorder of Rangoon;
- (5) the Court of the Resident at Aden; and
- (6) the District Court of Karachi.

3. The expressions "Court having Admiralty Construction of jurisdiction" and "Admiralty Court" and the expression "Admiralty or Admiralty Courts, Vice-Admiralty cause," and other expressions referring to Admiralty or Vice-Admiralty Courts or causes, shall, wherever any such expression occurs in any enactment of the Governor General in Council, or of a Governor in Council or Lieutenant-Governor in Council, be deemed to include a Colonial Court of Admiralty and a Colonial Court of Admiralty cause, and to

refer to a Colonial Court of Admiralty or a Colonial Court of Admiralty cause respectively.

4. Court-fees in suits instituted in the Colonial Court of Admiralty at Rangoon, Aden or Karachi shall,

Court-fees in suits in the Colonial Courts of Admiralty at Rangoon, Aden and Karachi, unless the jurisdiction of the Court is to be exercised in any matter relating to the slave-trade, be leviable in accordance with the provisions of Chapter III of the Court-fees

VII of 1870. Act, 1870.

5. The enactments mentioned in the schedule

Repeal.

are hereby repealed to the extent specified in the third column thereof.

THE SCHEDULE.

(See section 5.)

ENACTMENTS REPEALED.

Number and year.	Subject or title.	Extent of repeal.
XI of 1889	Lower Burma Courts Act, 1889.	Section 49, and the words "Admiralty Jurisdiction" prefixed thereto.
II of 1864	Justice at Aden ...	In the preamble the words and figures from and inclusive of "and whereas Her Majesty" down to and inclusive of "Statute 12 and 13 Vict., c. 84."

STATEMENT OF OBJECTS AND REASONS.

The main object of this Bill is to declare certain Courts in India having unlimited civil jurisdiction to be Colonial Courts of Admiralty in pursuance of the Colonial Courts of Admiralty Act, 1890 (53 & 54 Vict., c. 27), published in the *Gazette of India*, 6th September, 1890, page 654.

2. The Bill, like the English Act, is not intended to take away any jurisdiction of any High Court of Judicature in India. On the contrary, the Bill will, so far as the Admiralty and Vice-Admiralty jurisdictions of those Courts are affected, extend and improve them.

3. Besides the High Courts of Judicature at Calcutta, Madras and Bombay, it is proposed that there shall be three other Colonial Courts of Admiralty, namely:

- (a) the Court of the Recorder of Rangoon;
- (b) the Court of the Resident at Aden; and
- (c) the District Court of Karachi.

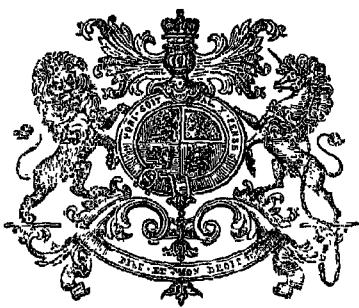
4. Under the English Act of 1890, a first appeal from the Court of the Recorder of Rangoon will lie to the Calcutta High Court; from the Court of the Resident at Aden direct to Her Majesty the Queen in Council; and from the District Court of Karachi to the Sadr Court in Sind. There is an ultimate appeal in all cases to Her Majesty the Queen in Council.

5. The Governor General in Council has accepted the opinion of the Governor of Bombay in Council, and the unanimous opinion of the Hon'ble the Chief Justice and Judges of the Calcutta High Court, that the jurisdiction of Colonial Courts of Admiralty in India should not be limited territorially or otherwise.

The 8th May, 1891.

ALEX. EDW. MILLER.

S. HARVEY JAMES,
Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 18, 1891.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General of India for making Laws and Regulations, or Reports of Select Committees presented to the Council.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 16th July 1891:

NO. 10 OF 1891.

A Bill to validate certain marriages solemnized under Part VI of the Indian Christian Marriage Act, 1872.

WHEREAS provision is made in Part VI of the XV of 1872. Indian Christian Marriage Act, 1872, for the solemnization of marriages between persons of whom both are Native Christians, but not of marriages between persons of whom one only is a Native Christian;

And whereas persons licensed under section 9 of the said Act have in divers parts of British India, through ignorance of the law, permitted marriages to be solemnized in their presence under the said Part between persons of whom one is a Native Christian and the other is not a Native Christian;

And whereas it is expedient that such marriages, having been solemnized in good faith, should be validated;

It is hereby enacted as follows:

I. This Act shall come into force at once.

2. In this Act the expression "Native Christian" has the same meaning as in the Indian Christian Marriage Act, 1872.

XV of 1872.

3. All marriages which have already been solemnized under Part VI of the Indian Christian Marriage Act, 1872, or XV of 1872, which may within three months after the commencement of this Act be solemnized under that Part between persons of whom one only was or shall have been a Native Christian, shall be as good and valid in law as if such marriages had been solemnized between persons of whom both were Native Christians.

4. Certificates of marriages which are declared by the last foregoing section to be good and valid of irregular marriages, in law and register-books, and certified copies of true and duly authenticated extracts therefrom, deposited in compliance with the law for the time being in force, in so far as the register-books and extracts relate to such marriages as aforesaid, shall be received as evidence of such marriages as if such marriages had been solemnized between persons of whom both were Native Christians.

5. References in this Act to the Indian Christian Marriage Act, 1872, shall, so far as may be requisite, be construed as applying also to the corresponding portions of the Indian Marriage Act, 1865.

V of 1865.

6 If any person licensed under section 9 of the said Act to grant certificates of marriage in regular marriages, between Native Christians shall at any time after the passing of this Act solemnize or affect to solemnize any marriage under Part VI of the said Act or grant any such

certificate as therein mentioned, knowing that one of the parties to such marriage or affected marriage was at the date of such solemnization not a Christian, he shall be liable to have his license cancelled, and in addition thereto he shall be deemed to have been guilty of an offence prohibited by section 73 of the said Act, and shall be punishable accordingly.

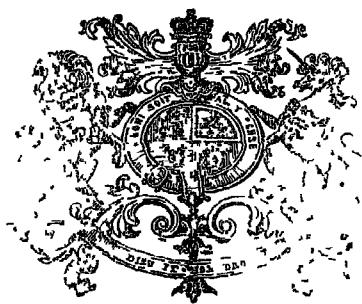
STATEMENT OF OBJECTS AND REASONS.

THE objects and reasons of this Bill are set forth in its preamble. Marriages between persons who are Christians and persons who are not Christians must be solemnized under some other Part of the Indian Christian Marriage Act, 1872, than Part VI.

The 15th July, 1891.

ALEX. EDW. MILLER.

S. HARVEY JAMES,
Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, JULY 25, 1891.

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PART V.

Bills introduced into the Council of the Governor General of India for making Laws and Regulations, or Reports of Select Committees presented to the Council.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 23rd July 1891.

NO. II OF 1891.

A Bill to extend the jurisdiction of the Court of Small Causes of Madras.

WHEREAS it is expedient to extend the jurisdiction of the Court of Small Causes of Madras, It is hereby enacted as follows:—

Title and commencement. 1. (1) This Act may be called the Madras Small Cause Court Act, 1891, and (2) It shall come into force on such day as the Governor of Fort St. George in Council may, by notification in the local official Gazette, appoint in this behalf.

2. In this Act, unless there is something repugnant in the subject or Definitions. context,—

(1) "High Court" means the High Court of Judicature at Madras: and

(2) "Small Cause Court" means the Court of Small Causes of Madras.

3. (1) The Small Cause Court shall, in addition to the jurisdiction which Extension of original civil jurisdiction of it already possesses, have Small Cause Court. jurisdiction to receive and try all suits except—

(i) suits of classes mentioned in clauses (a), (b), (c), (l), (m), (r) and (u) of

section 19 of the Presidency Small Cause Courts Act, 1882, and XV of 1882.

(ii) suits of value exceeding five thousand rupees, or of such higher value exceeding five thousand and not exceeding ten thousand rupees as the Governor of Fort St. George in Council may, with the previous sanction of the Governor General in Council, direct by notification in the local official Gazette.

(3) Such a direction as is referred to in exception (ii) to sub-section (1) may be revoked or varied by the Governor of Fort St. George in Council with such sanction and by such a notification as in that exception described.

(4) The provisions of the Code of Civil Procedure and of Chapter X of the Presidency Small Cause Courts Act, 1882, shall apply to all proceedings before the Small Cause Court or any Judge or Judges thereto exercising the extended jurisdiction conferred or conferable under sub-section (1), and appeals from decrees and orders passed in the exercise of such jurisdiction shall, when such appeals are allowed by law, lie to the High Court.

(5) The Presidency Small Cause Courts Act, XV of 1882, shall, in relation to the Small Cause Court, be read as if—

(a) the words "in the High Court" were omitted from sections 47, 49 and 61; (b) the words "any Judge having jurisdiction with respect to the suit" had been enacted instead of the words "any Judge of the High Court" where these latter words occur in section 61; and

(c) the figures "10,000" were substituted for the figures "2,000" in the second column of the fourth schedule.

XV of 1882. *Repeal of sections 21 and 22, Act XV, 1882.* 4. Sections 21 and 22 of the Presidency Small Cause Courts Act, 1882, *as to sections 21 and 22, Act XV, 1882,* in relation to the Small Cause Court, hereby repealed

5. All suits to which an officer of the Small Cause Court is, as such, a party, except suit in respect of property taken in execution of its process, or the proceeds or value thereof, may be instituted in the High Court at the election of the plaintiff.

6. (1) If any suit cognizable by the Small Cause Court, other than a suit to which the last foregoing section applies, is instituted in the High Court, no costs shall be allowed to the plaintiff,

and, if in any such suit the plaintiff does not obtain a decree, the defendant shall be entitled to his costs as between attorney and client.

(2) The provisions of sub-section (1) shall not apply to any suit in which the Judge who tries the same certifies that it was one fit to be brought in the High Court.

7. When under section 13 of the Letters Patent for the High Court, dated the twenty-eighth day of December, 1866, or under section 25 of the Code of Civil Procedure, XIV of 1882,

the High Court has removed for trial by itself any suit from the Small Cause Court, fees on the scale for the time being in force in the High Court as a Court of ordinary original civil jurisdiction shall be payable in that Court in respect of the suit and proceedings therein.

Provided that in the levy of any such fees which, according to the practice of the Court, are credited to the Government, credit shall be given to the plaintiff in the suit for any fee which in the Small Cause Court he has already paid under Chapter X of the Presidency Small Cause Courts Act, 1882, on the plaint.

XV of 1882.

8. Notwithstanding anything to the contrary Attachment before in section 23 of, or the judgment in Small second schedule to, the Presidency Small Cause Courts Act, 1882, sections 483 to 489 (both XV of 1882, inclusive) and section 491 of the Code of Civil Procedure, respecting the attachment of immoveable property before judgment, shall extend, and shall, so far as the same may, in the judgment of the Court, be applicable, be applied, to the Small Cause Court when exercising the jurisdiction conferred upon it by section 18 of the said Act.

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to constitute what may be called a *regular* side of the Madras Court of Small Causes for the trial (1) of suits of the nature of small causes, but of a value exceeding the limit of Rs. 2,000 fixed by section 18 of the Presidency Small Cause Courts Act, 1882, and (2) of suits not of the nature of small causes. At present all such suits have to be instituted in the High Court, and the result has been found to be not only a great waste of judicial power, but also a practical denial of justice to suitors who are unable to bear the expense of a trial in the High Court. It is therefore proposed to confer on the Small Cause Court jurisdiction in all such suits (with the exception of a few defined classes) of value not exceeding five thousand rupees; and it is further proposed to give power to the Governor in Council, with the previous sanction of the Governor General in Council, to raise this limit of value from time to time to any sum not exceeding ten thousand rupees.

2. The provisions of the Code of Civil Procedure are to apply to all these cases, and appeals from the decrees and orders passed by the *regular* side of the Small Cause Court, where appeals are ordinarily allowed by law, will lie to the High Court.

3. It is not proposed to abrogate the jurisdiction vested in the High Court with regard to such cases, but if a suit cognizable by the Small Cause Court is unnecessarily instituted in the High Court, the plaintiff will be debarred from recovering costs from the defendant, while, if his suit fails, he will have to pay costs to the defendant on the most liberal scale.

4. Of the other provisions of the Bill the only one calling for notice is that in section 8, which applies to the Small Cause Court, even when exercising jurisdiction under section 18 of the Presidency Small Cause Courts Act, 1882, the provisions of the Code of Civil Procedure respecting the attachment of immoveable property before judgment.

The 23rd July, 1891.

PHIL. P. HUTCHINS.

S. HARVEY JAMES,
Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, AUGUST 8, 1891.

~~¶~~ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced in the Council of the Governor General of India for making Laws and Regulations, or Reports of Select Committees presented to the Council.

GOVERNMENT OF INDIA LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend the Indian Merchant Shipping Act, 1880, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 6th August 1891:

WE, the under-signed, Members of the Select Committee to which the Bill to amend

From High Court, Calcutta, No. 223, dated 28th January, 1891 [Paper No. 1]
From Government, Bengal, No. 280 Marine, dated 29th January, 1891, and enclosure [Papers No. 2]
From Government, Madras, No. 193 Judicial, dated 29th January, 1891, and enclosures [Papers No. 3].
From Chief Commissioner, Burma, No. 162-11 M S, dated 7th February, 1891, and enclosures [Papers No. 4].
From Government, Bombay, No. 47 dated 17th February, 1891, and enclosures [Papers No. 5].
From ditto, No. 66, dated 9th March, 1891, and enclosure [Papers No. 6].
To Her Majesty's Secretary of State for India, No. 40, dated 31st December, 1890, from ditto, No. 3, dated 5th March, 1891, and enclosures [Papers No. 7].

mit this our Report, with the Bill as revised by us annexed thereto.

2. The Bill, as introduced, has been generally approved by the Board of Trade; but we have deemed it expedient to recommend the adoption of the following suggestions which have been made by Local Governments, namely.—

- (1) that section 43 in the revised portion of the Indian Merchant Shipping Act, 1880, relating to deck and load-lines, should provide for the recognition of marks attached in Colonies which have legislated on the model of the English Act of 1890, and whose legislation has been approved by Order in Council, that is to say, that Colonial marks which are recognised in the United Kingdom should also be recognised in India;
- (2) that the Bill should contain a section, like section 4 of the English Act of 1890, bringing foreign ships under the law unless the countries to which they belong have a law or laws on the subject of deck and load-lines equally effective with the English (or Indian) law;
- (3) that the Bill should give power to the Local Government to exempt Native craft not square-rigged, such craft being not really concerned with deck and load-line laws; and
- (4) that surveyors employed by any society, corporation or association for the survey or registry of shipping approved by the Board of Trade should be authorised, on appointment in this behalf by the Local Government, to approve and certify the position of discs.

3. We have also provided for the making of rules (with the previous sanction of the Governor General in Council) for the definition of fair and foul seasons and for the modification of tables of free-board in the case of any class or classes of vessels. This provision will enable the Government to deal, as occasion may arise, with vessels in the coasting or exclusively Eastern trade to which it may be unnecessary to apply to their full extent the rules of the Board of Trade.

4. The other alterations which we have made in the Bill are not such as to call for remark.

5. The publication ordered by the Council has been made as follows:—

In English.

<i>Gazette.</i>	<i>Date.</i>
Gazette of India	20th December, 1890.
Fort Saint George Gazette	13th January, 1891.
Bombay Government Gazette	1st January, 1891.
Calcutta Gazette	24th December, 1890.
Burma Gazette	3rd January, 1891.

In the Vernaculars.

<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
Bombay	Marathi	28th January, 1891.
	Gujarathi	28th January, 1891.

6. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

D. BARBOUR.

ALEX. EDW. MILLER.

The 6th August, 1891.

No. II.

A Bill to amend the Indian Merchant Shipping Act, 1880.

WHEREAS it is expedient to amend and add to the provisions of the Indian Merchant Shipping Act, 1880 (*hereinafter called the said Act*), respecting unseaworthy and unsafe ships; it is hereby enacted as follows:—

1. (1) This Act may be called the Deck and Load Lines Act, 1891: Title and commencement.

(2) It shall come into force on the first day of September, 1891.

2. To section 3 of the said Act the following shall be added, namely:—

Addition to section 3, Act VII, 1880.
“The Local Government, with the previous sanction of the Governor General in Council, may from time to time, by notification in the local official Gazette, exclude from, or bring again within, the operation of this Chapter or any part thereof, subject to such modifications thereto (if any) as may be specified in the notification, any Native craft not square-rigged.”

3. To section 4 of the said Act the following shall be added, namely:—

Addition to section 4, Act VII, 1880.
“Amidships” means the middle of the length of the load water-line as measured from the fore side of the stem to the aft side of the stern-post.”

4. For sections 33 to 43, both inclusive, of the said Act the following sections shall be substituted:—

“Deck and Load-lines.

“33. (1) Every British Indian ship shall be permanently and conspicuously marked outside lines, with lines of not less than twelve inches in length and one inch in breadth painted longitudinally on each side amidships, or as near thereto as practicable, and indicating the position of each deck which is above water.

(2) The upper edge of each of these lines shall be level with the upper side of the deck-plank next the waterway at the place of marking.

(3) The lines shall be white or yellow on a dark ground, or black on a light ground.

“34. (1) The master of every British ship not being a coasting-vessel in case of vessels which within the meaning of the Sea Customs Act, 1878, shall, before his ship is entered outwards from any port in British India upon any voyage, or, if that is not practicable, as soon after as may be, mark outside upon each of her sides amidships, or as near thereto as practicable, in white or yellow on a dark ground, or in black on a light ground, a circular disc twelve inches in diameter, with a horizontal line eighteen inches in length drawn through its centre.

(2) The centre of the disc shall be placed at such level below the deck-line marked under the provisions of this Chapter or of the Merchant Shipping Act, 1876, as may be approved by the Local Government, and shall indicate the maximum load-line in perfectly smooth salt-water to which it shall be lawful to load the ship.

(3) When a ship has been marked as by this

until she next returns to a port of discharge in British India or arrives at a port in the United Kingdom.

“35. (1) Every person applying for entry of any such ship outwards shall present to the Customs-officer in the form of application made to the Customs-collector, a statement in writing of the distance in feet and inches between the centre of such disc and the upper edge of each of the lines indicating the position of the ship's decks which is above such centre; and, if default be made in delivering this statement, the Customs-collector may refuse to enter the ship outwards.

(2) A copy of this statement shall be entered in the agreement with the crew before it is signed by any member of the crew, and no shipping-master shall proceed with the engagement of a crew for any such ship until this entry has been made.

(3) The master shall enter a copy of this statement in the official log book (if any).

“36. (1) The master of every British ship
Marking of load-lines which is a coasting-vessel
in case of coasting-
VIII of 1878. within the meaning of the
Sea Customs Act, 1878,

shall, before proceeding to sea from any port, mark outside upon each of her sides amidships or as near thereto as practicable, in white or yellow on a dark ground, or in black on a light ground, a circular disc twelve inches in diameter, with a horizontal line eighteen inches in length drawn through its centre.

(2) The centre of the disc shall be placed at such level below the deck-line marked under the provisions of this Chapter or of the Merchant Shipping Act, 1876, as may be approved by the Local Government, and shall indicate the maximum load-line in perfectly smooth salt-water to which it shall be lawful to load the ship.

(3) When a ship has been marked as required by this section, she shall be kept so marked until notice has been given of an alteration.

“37. (1) The master of every such ship shall
Annual statement as also once in every twelve
to position of load-line months, immediately before
on coasting-vessel. the ship proceeds to sea,
send or deliver to the Collector, or other principal officer of Customs of such port as the Local Government may, from time to time, appoint in this behalf, a statement in writing of the distance in feet and inches between the centre of the disc and the upper edge of each of the lines indicating the position of the ship's decks which is above that centre.

(2) The master, before the ship proceeds to sea after any renewal or alteration of the disc, shall send or deliver to the Collector or other principal officer of Customs aforesaid notice in writing of such renewal or alteration, together with such statement in writing as before mentioned of the distance between the centre of the disc and the upper edge of each of the deck-lines.

(3) If default be made in sending or delivering any notice or statement required by this section to be sent or delivered, the master shall be liable to a fine which may extend to one thousand rupees.

“38. The foregoing provisions of this Chapter with respect to deck and load-lines are subject to the provisions of the two next following sections.

“39. (1) The position of the discs mentioned in sections 34 and 36 respectively shall be fixed in accordance with the tables thereof, framed by the Load-line Committee appointed in the United Kingdom before the passing of the Merchant Shipping Act, 1890, subject to such allowance as may be necessary in consequence of any difference between the position of the deck-line marked under the provisions of this Chapter or of the Merchant Shipping Act, 1876, and the position of the line from which free-board is measured under the said tables, and subject also to such modifications, if any, of the tables and the application thereof as may from time to time, with the previous approval of the Governor General in Council, be sanctioned by the Local Government.

(2) The Local Government shall from time to time appoint—

(a) a surveyor employed by Lloyd's, or by any other society, corporation or association for the survey or registry of shipping approved by the Board of Trade under section 2 of the Merchant Shipping Act, 1890, and specially authorized in this behalf by Lloyd's or by such society, corporation or association, as the case may be, or

(b) an officer specially selected by the Local Government for the purpose, to approve and certify on its behalf from time to time the position of any such disc as aforesaid, and any alteration thereof,

and may, with the previous sanction of the Governor General in Council, from time to time fix the fees to be taken in respect of any such approval or certificate.

(3) The Local Government may suspend or remove from office any surveyor or officer so appointed.

“40. (1) The Local Government, with the previous sanction of the Governor General in Council, may from time to time make rules—

(a) determining the lines or marks to be used in connection with any such disc as aforesaid, in order to indicate the maximum load-line under different circumstances and at different seasons, and declaring that the provisions of this Chapter are to have effect as if any such line were drawn through the centre of the disc;

(b) as to the mode in which the disc and the lines or marks to be used in connection therewith are to be marked or affixed on the ship, whether by painting, cutting or otherwise;

(c) as to the mode of application for, and form of, certificates under this Chapter;

(d) as to the entry of such certificates, and any other prescribed particulars concerning the draught of water and free-board of the ship, in the official log (if

any) of the ship, or other publication thereof on board the ship, and as to delivering copies of such entries.

(2) Rules under clause (a) of sub-section (1) may, with respect to any class or classes of ships,—

(i) declare what shall be deemed to be seasons of fair weather and seasons of foul weather, respectively, for any of the purposes of the rules, and

(ii) modify the tables referred to in sub-section (1) of section 39.

(3) All rules intended to be made under this section shall previously be published in draft in such manner as may be prescribed by the Local Government, and shall not be formally promulgated for ninety days at the least after such publication, and all such rules shall, while in force, have effect as if enacted by this Act.

“41. Any master of a ship who neglects to use his ship to be marked as by this Chapter required in the manner of loading, or to keep her so marked, or who allows the ship to be so loaded that when in perfectly smooth salt-water the centre of the disc is submerged,

and any person who conceals, removes, alters, defaces or obliterates, or suffer, any person under his control to conceal, remove, alter, deface or obliterate, any of the lines or marks prescribed by or under this Chapter, except in the event of the particulars thereby denoted being lawfully altered, or for the purpose of escaping capture by an enemy,

shall be liable in respect of each such offence to a fine which may extend to one thousand rupees.

“42. The master of any ship on which any of the marks or lines prescribed by or under this Chapter is inaccurately placed so as to be likely to mislead, who does not forthwith cause such inaccuracy to be corrected, shall be liable to a fine which may extend to one thousand rupees.

“43. The provisions of this Chapter as to loading and saving of ships lines shall not apply to ships moored in the United Kingdom coming from ports in the United Kingdom and having such lines fixed, marked and certified in accordance with the provisions of the law for the time being there in force, or to ships registered in a British possession and having such lines fixed, marked and certified in accordance with the provisions of an enactment passed by the Legislature of that possession, with respect to which enactment such a declaration as is mentioned in section 3 of the Merchant Shipping Act, 1890, has been made by an Order of 33 Vict., c. 9, Her Majesty in Council and is for the time being in force.”

5. To the said Act the following section, addition to Act VII, shall be added, namely:—

“85. The provisions of this Act for the prevention of the overloading of foreign ships shall apply to foreign ships also when in ports of British India unless such foreign ships, if in ports of the United Kingdom, could be entitled to the benefit of an Order of Her Majesty in Council under section 4 of the Merchant Shipping Act, 1890.”

53 Vict., c. 9

S. HARVEY JAMES,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 6th August 1891:

NO. 12 OF 1891.

**THE PUNJAB MUNICIPAL BILL,
1891.**

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SCHEDULE.

A Bill to make better provision for the administration of Municipalities in the Punjab.

WHEREAS it is expedient to make better provision for the administration of municipalities in the Punjab; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Title, extent and commencement. (1) This Act may be called the Punjab Municipal Act, 1891.

(2) It extends only to the territories for the time being administered by the Lieutenant-Governor of the Punjab; and

(3) It shall come into force on such day as the Local Government may, by notification in the official Gazette, appoint in this behalf.

2. (1) *The Punjab Municipal Act, 1884, is XIII of 1884, hereby repealed:*

(2) *But all municipalities constituted, committees established, limits defined, appointments, rules, regulations, byelaws and orders made, notifications and notices issued, taxes, tolls, rates*

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(Chapter I.—Preliminary.—Sections 3-4. Chapter II.—Committees.—Sections 5-6.)

enactment thereby repealed, shall, so far as may be, be deemed to have been respectively constituted, established, defined, made, issued, imposed or assessed, entered into and instituted under this Act.

3 In this Act, unless there is something repugnant in the subject or context,—

(1) "municipality" means any local area declared by or under this Act to be a municipality:

(2) "committee" means a municipal committee established by or under this Act.

(3) "inhabitant" includes any person ordinarily residing or carrying on business, or owning or occupying immoveable property, in any municipality or in any local area which the Local Government has by notification proposed under this Act to declare to be a municipality:

(4) "street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way, and also the roadway and footway over any public bridge or causeway.

(5) "owner" includes the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or who would so receive the same if the land or building were let to a tenant.

IV of 1884. (6) "explosive" and "petroleum" have the meanings assigned to those words in the Indian Explosives Act, 1884, and the Petroleum Act, XII of 1886, respectively:

(7) "animal" means any creature other than a human being: and

(8) "notification" means a notification published by authority of the Local Government or under this Act in the official Gazette: and

(9) "notified" means published as aforesaid.

4. (1) The Local Government may, by notification for constituting municipality, propose to declare any town or group of towns, together with any railway-station, village, building or land in the vicinity of any such town, a municipality under this Act:

Provided that no military cantonment or part of a military cantonment shall, without the consent of the Governor General in Council, be comprised in any such notification.

(2) Every such notification shall define the limits of the local area to which it relates.

(3) A copy of every notification under this section, with a translation in such vernacular language as the Local Government directs, shall be affixed in some conspicuous place in the court-house of the District Magistrate within whose jurisdiction the local area to which the notification relates lies, and in one or more conspicuous places in that local area.

(4) The District Magistrate shall certify to the Local Government the date on which the copy and translation were so affixed, and the date so certified shall be deemed to be the date of

six weeks from the date of its publication, submit his objection in writing through the District Magistrate to the Local Government, and the Local Government shall take his objection into consideration.

(6) When six weeks from the date of the publication have expired, and the Local Government has considered and passed orders on any such objections which may have been submitted to it, the Local Government may, by notification, declare the local area to be, for the purposes of this Act, a municipality of the first or second class.

(7) A committee shall come into existence at such time as the Local Government may, by notification, appoint in this behalf.

CHAPTER II

COMMITTEES.

Constitution of Committees.

5 (1) There shall be established for each municipality a committee having authority over the municipality and consisting of such number of members as the Local Government may fix in this behalf.

(2) The members may be appointed by the Local Government either by name or by office, or may be elected from among the inhabitants in accordance with rules made by the Local Government under this Act, or some may be appointed and some elected, as the Local Government directs.

Provided that—

(a) when the Local Government has directed that all or any proportion of the members shall be elected, it shall not thereafter direct that they shall be appointed, unless a majority of the electors declare that they so desire, or for some reason which the Local Government may deem to affect the public interests; and,

(b) unless the Governor General in Council otherwise directs, two-thirds of the members of every committee shall be persons who either have been elected or are not salaried officers of the Government.

(3) When, under a direction issued under sub-section (1), any places on a committee are required to be filled by election, and a sufficient number of members is not elected, the Local Government may fill those places by appointment.

6. (1) If a member of a committee is appointed by office, the person for the time being holding the office shall be a member of the committee until the Local Government otherwise directs.

(2) The term of office of all other appointed and elected members of a committee shall be fixed by the Local Government by rules made under this Act, and may be so fixed as to provide for the retirement of members by rotation,

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(Chapter II.—Committees.—Sections 7-16.)

7. The Local Government may at any time direct that an office of member with respect to term of a committee which is then filled by an elected member shall in future when vacant be filled by an appointed member, and it may also direct that the tenure of office of the elected member shall cease upon a date appointed in the direction,

and, if the latter direction is given, the said tenure of office shall cease accordingly notwithstanding anything to the contrary in this Act or in the rules thereunder.

8. The Local Government may at any time direct that an office of member with respect to term of a committee then filled by office of elected members appointment shall in future when vacant be filled by an elected member,

and it may also direct that the tenure of office of the appointed member shall cease upon a date appointed in the direction,

and, if the latter direction is given, the said tenure of office shall cease accordingly notwithstanding anything to the contrary in this Act or in the rules thereunder.

9. The Local Government may at any time direct the number of members Government to fix term to compose a committee by of office of certain low the number of members members. then composing the committee, and it may also direct, so far as may be necessary to reduce the number of members to the number fixed, that the tenure of office of any member shall cease upon a date appointed in the direction;

and, if such direction is given, that tenure of office shall cease accordingly notwithstanding anything to the contrary in this Act or in the rules thereunder.

10. (r) A member of a committee who wishes to resign may forward his Resignation of member of committee. written resignation, through the president of the committee, to the District Magistrate within whose jurisdiction the municipality lies.

(a) When the resignation is accepted by the Local Government it shall be deemed complete, and the member shall be deemed to have vacated his office.

Powers of the Local Government as to removal of members. II. (r) The Local Government may remove any member of a committee—

(a) if he refuses to act, or becomes, in the opinion of the Local Government, incapable of acting or is declared a bankrupt or an insolvent or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Local Government, a defect of character which unsuits him to be a member;

(b) if he has been declared by notification to be disqualified for employment in the public service;

(c) if he, without an excuse sufficient in the

(d) if his continuance in office is, in the opinion of the Local Government, dangerous to the public peace or order; or,

(e) when he is a salaried officer of the Government, if his continuance in office is, in the opinion of the Local Government, unnecessary or undesirable.

(2) A person removed under this section shall be disqualified for election unless and until the Local Government otherwise directs.

12. (r) When the place of an elected member falling of casual vac. of a committee becomes vacant by the resignation or removal of the member or by his death, a new member shall be elected in accordance with the rule made by the Local Government under this Act to fill the place

Provided that the Local Government may direct in any such case that the vacancy shall be left unfilled.

(2) When the place of a member of a committee appointed by name becomes vacant as aforesaid, the Local Government may, if it thinks fit, appoint a new member to fill the place

(3) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but may, if otherwise qualified, be again elected or appointed.

13. Every committee shall be a body corporate by the name of the incorporation of committee. municipal committee of its municipality, and shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, and, subject to the provision, of this Act, to transfer any property held by it, to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name.

14. A Government officer employed by a committee at the commencement of this Act and from the commencement of the Punjab Municipal Act, 1884, shall not be dismissed from that employment without the sanction of the Local Government.

15. Every member of a committee shall be deemed to be a municipal Member of committee to be municipal commissioner. commissioner within the meaning of every enactment for the time being in force.

President and Vice-President.

16. (r) Every committee shall, from time to time, elect one of its members to be president, and the vice-president. member so elected shall, if the election is approved by the Local Government in the case of a first class committee, and by the Commissioner in the case of a second class committee, become president of the committee:

Provided that the committee, instead of electing a president and submitting his name

*The Punjab Municipal Bill, 1891.**(Chapter II.—Committees.—Sections 17-24)*

that the Local Government may, by notification, exclude any committee from the operation of this sub-section, and that in either of these cases, or if no election is made within one month from the occurrence of a vacancy in the office of president, or if the person elected is not approved, the Local Government or the Commissioner, as the case may be, may, if it or he thinks fit, appoint one of the members of the committee to be president.

(2) Every committee may also, from time to time, elect one or two of its members to be its vice-president or vice-presidents.

(3) A member elected or appointed under this section to be president or vice-president may be elected or appointed by office if he was appointed a member of the committee in the same way.

(4) If a president is elected or appointed by office, or if a vice-president is elected by office, then the person who for the time being holds the office shall be president or vice-president of the committee, as the case may be, during the term fixed under section 17, sub-section (1), for re-election of office by a president or vice-president.

17. (1) A president shall hold office for such term of office of president, not exceeding three years, as the Local Government may, by rule, fix, and a vice-president shall hold office for such term as the committee may, by rule, fix.

(2) A president or vice-president shall vacate office as such when he ceases to be a member of committee, or tenders in writing to the committee his resignation of his office as president or vice-president; and he may be removed from his office by the Local Government if moved to do so by resolution passed by two-thirds of the members present at a special meeting.

(3) Every resignation of office tendered under this section shall be reported, as soon as may be, to the *District Magistrate*.

18. (1) If a president or vice-president ceases to be a member of the committee, dies, resigns his office or is removed, a new president or vice-president shall be elected or appointed in manner provided by section 16.

(2) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office.

(3) A person going out of office under sub-section (2) may, if otherwise qualified, be again elected or appointed.

19. (1) The powers and functions of the Local Government under Delegation of certain powers and functions of section 5, sub-section (3), section 10, section 12, and section 27, sub-section (2), may be delegated by the Local Government to Commissioners of Division.

(2) In regard to powers or functions delegated to them under this section, Commissioners of Division shall have the same authority as the

(3) A delegation under this section may be of all or any of the powers and functions aforesaid, and may be made generally in regard to either all the municipalities, or all the municipalities of a particular class, within the division of the Commissioner, or it may be made particularly in regard to certain municipalities only.

(4) The delegation may be by name or by office.

Notification of Elections and Appointments.

20. Every election and appointment of a member or president of a committee, and every vacancy in the office of member or president arising otherwise than by the expiration of his term of office, shall be notified, in the case of a municipality of the first class, by the Local Government, and, in the case of a municipality of the second class, by the Commissioner of the Division, and no such election or appointment shall take effect until it is so notified.

Conduct of Business.

21. (1) A committee shall meet for the transaction of business at least once in every month meetings. at such time as may, from time to time, be fixed by the rules made under section 27.

(2) The president or, in his absence, a vice-president may, whenever he thinks fit, and shall, on a requisition made in writing by not less than one-fifth of the members of the committee, convene either an ordinary or a special meeting at any other time.

22. (1) Ordinary and special meetings of a committee shall be either ordinary or special.

(2) Any business may be transacted at an ordinary meeting unless it is required by this Act or the rules made under this Act to be transacted at a special meeting.

23. (1) The quorum necessary for the transaction of business at a special meeting of a committee shall be one-half of the committee.

(2) The quorum necessary for the transaction of business at an ordinary meeting of a committee shall be such number or proportion of the members of the committee as may, from time to time, be fixed by the rules made under section 28, but shall not be less than three:

Provided that, if at any ordinary or special meeting of the committee a quorum is not present, the chairman shall adjourn the meeting to such other day as he thinks fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before, and transacted at, the adjourned meeting, whether there is a quorum present thereat or not.

24. (1) At every meeting of a committee the Chairman of meeting, if present, shall preside as chairman.

*The Punjab Municipal Bill, 1891.**(Chapter II.—Committees.—Sections 25-32.)*

present, the vice-president or, when two vice-presidents are present, the senior of them by date of appointment shall preside as chairman.

(3) In any case not provided for in the foregoing portion of this section, the members present shall elect one of their number to be chairman of the meeting.

25 Except as otherwise provided by this Act or by rules made under the *Vote of majority* of this Act, all questions which come before any meeting of a committee shall be decided by a majority of the votes of the members present, the chairman of the meeting, in case of an equality of votes, having a second or casting vote.

26. (1) Minutes of the proceedings at each meeting of committee shall be drawn up and recorded in a book to be kept for the purpose, shall be signed by the chairman of the meeting or of the next ensuing meeting, shall be published in such manner as the Local Government directs, and shall, at all reasonable times and without charge, be open to the inspection of any inhabitant.

(2) A copy of every resolution passed by a committee at a meeting shall, within three days from the date of the meeting, be forwarded to the *District Magistrate*.

27. (1) Every committee may, from time to time, at a special meeting, make rules consistent with *Rules of business* this Act and with any rules made by the Local Government under this Act as to—

- (a) the time and place of its meetings;
- (b) the manner in which notice of ordinary and special meetings and adjourned meetings shall be given;
- (c) the quorum necessary for the transaction of business at ordinary meetings;
- (d) the conduct of proceedings at meetings and the adjournment of meetings;
- (e) the custody of the common seal and the purposes for which it shall be used;
- (f) the person or persons to be primarily responsible for the current executive administration and *his or* their powers; that is to say, what portion of the executive authority shall be exercised by the president, by a vice-president, by sub-committees, by individual members and by officers or servants of the committee;
- (g) the persons by whom receipts shall be granted on behalf of the committee for money received under this Act;
- (h) the appointment, duties, leave, suspension and removal of its officers and servants;
- (i) the term for which a vice-president shall hold office; and
- (j) all other similar matters.

(2) *Subject to the provisions of section 19, a rule made under clause (c) or clause (f) of sub-section (1) shall not take effect unless it has been approved by the Local Government.*

28. In cases of emergency the president, or in Extraordinary powers his absence a vice-president and vice-president in case of cution of any work or the emergency. doing of any act which the committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be paid from the municipal fund.

Provided that—

- (a) he shall not act under this section in contravention of any order of the committee passed at a meeting, and,
- (b) where he acts under this section, he shall report his proceedings to the next following meeting of the committee.

Joint Committees.

29. A committee may concur with any other joint committee, or with any district board, or with any cantonment authority, or with more than one such committee, board or authority, in appointing out of their respective bodies a joint committee for any purpose in which they are jointly interested, and in delegating to any such joint committee any power which might be exercised by either or any of the committees, boards or authorities concerned, and in framing or modifying regulations as to the proceedings of any such joint committee, and as to the conduct of correspondence relating to the purpose for which the joint committee is appointed.

Defects in Constitution and Irregularities.

30. Anything done or any proceeding taken under this Act shall not be questioned on account of irregularities not to invalidate any vacancy in a committee or joint committee, or on account of any defect or irregularity not affecting the merits of the case.

Officers and Servants.

31. (1) Every committee shall, from time to time, at a special meeting, appoint one of its members, or, if the Commissioner consents to its appointing a person not being a member, any other person, to be its secretary, and may, at a like meeting, remove any person so appointed.

(2) A member of a committee appointed as secretary shall receive no remuneration in respect of his services. When any other person is appointed to be secretary, the committee may, with the previous sanction of the Commissioner, assign to him such pay as it thinks fit.

32. Subject to the other provisions of this Act, and to such rules as Employment of other officers and servants. the Local Government may make prescribing the qualifications requisite in the case of persons appointed to offices requiring professional skill, a committee may employ, in addition to its secre-

*The Punjab Municipal Bill, 1891.**(Chapter II.—Committees.—Sections 33-41.)*

33. If, in the opinion of the Commissioner, ^{Power to prevent extravagance in establishing} the number of persons employed by a committee as officers or servants, or whom the committee propose to employ as such, or the remuneration assigned by the committee to those persons or any of them, is excessive, the committee shall, on the requirement of the Commissioner, reduce the number of those persons or the remuneration, as the case may be.

Provided that the committee may appeal against any such requirement to the Local Government, and the decision of the Local Government on any such appeal shall be final.

^{Pensions of Government officials serving} 34. In the case of a Government official, a committee may—

(1) if his services are wholly lent to it, subscribe for his pension or gratuity and leave-allowances in accordance with the rules of the *Civil Service Regulations* for the time being in force, and

(2) if he devotes only a part of his time to the performance of duties in behalf of the committee, make a contribution on account of his pension or gratuity and leave-allowances in such proportion as may be determined by the Government.

35. In the case of an officer or servant not being a Government official a committee may—

(1) grant him leave-allowances and, if he is not entitled to pension or if his monthly pay is less than ten rupees, a gratuity; and,

(2) if empowered in this behalf by the Local Government,—

(a) subscribe on his behalf for pension or gratuity under the rules of the *Civil Service Regulations* for the time being in force; or

(b) purchase for him from the Government or otherwise an annuity on his retirement:

Provided that no pension, gratuity, leave-allowance or annuity shall exceed the sum to which under the *Civil Service Regulations* for the time being in force the officer or servant would be entitled if the service had been service under the Government.

Contracts.

36. (1) The committee of a municipality of the first class may, subject to the provisions of this Act, delegate to one or

more of its members the power of entering on its behalf into any particular contract whereof the value or amount does not exceed five hundred rupees, or into any class of such contracts.

(2) No contract by or in behalf of any committee whereof the value or amount exceeds five hundred rupees shall be entered into until it has been sanctioned at a meeting of a committee.

37. (1) Every contract made by or on behalf of the committee of a municipality of the first class whereof the value or amount

value or amount exceeds fifty rupees, shall be in writing, and shall be signed by the president or vice-president, and by the secretary if he is a member of the committee, or, if the secretary is not a member of the committee, by another member.

Provided that, when the power of entering into any contract on behalf of the committee has been delegated under the last *foregoing* section, the signature or signatures of the member or members to whom the power has been delegated shall be sufficient.

(2) A transfer of immoveable property belonging to a committee must be made by an instrument in writing, executed by the president or vice-president, and by at least two other members of the committee.

(3) No contract or transfer of the description mentioned in this section executed otherwise than in conformity with the provisions of this section shall be binding on the committee.

38. (1) If any member, officer or servant of a municipal committee or ^{Penalty on member, joint committee is, otherwise interested in contract} of a committee is, otherwise interested in contract ^{wise than with the permission made with a committee.} writing of the Commissioner, directly or indirectly interested in any contract made with that committee, he shall be deemed to have committed an offence under the Indian Penal Code, section 162.

XLV of 1860.

(2) A person shall not, by reason of being a shareholder in, or a member of, any incorporated or registered company, be held to be interested in any contract entered into between the company and a committee; but he shall not take part in any proceedings of the committee, relating to any such contract.

Privileges and Liabilities.

39. No suit shall be instituted against a committee, or against an officer of a committee in respect of an act purporting to be done by him in his official capacity, until the expiration of one month next after notice in writing has been, in the case of a committee left at its office, and in the case of an officer delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff; and the plaint must contain a statement that such a notice has been so delivered or left:

Provided that this section shall not apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

I of 1877.

40. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to a committee, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of the committee; and a suit for compensation for the same may be instituted against him, in such Court as the Local Government directs, by the committee with the sanction of the Commissioner, or by the Secretary of State for India in Council.

Acquisition of Land.

The Punjab Municipal Bill, 1891.

(Chapter III.—Taxation.—Sections 42-45.)

X of 1870

purposes of this Act, the Local Government may, at the request of the committee, proceed to acquire it under the provisions of the Land Acquisition Act, 1870; and, on payment by the committee of the compensation awarded under that Act, and of any other charges incurred in acquiring the land, the land shall vest in the committee.

CHAPTER III.

TAXATION.

General Provisions.

42. (1) Subject to any general rules or special

Taxes which may be imposed. orders which the Governor General in Council may make in this behalf, and to any rules made by the Local Government under this Act, a committee may, from time to time, for the purposes of this Act, and in the manner by this Act directed, impose in the whole or any part of the municipality any of the following taxes, namely.—

(A) with the previous sanction of the Local Government.—

(a) a tax on buildings and lands—

(i) not exceeding in any municipality specified in the schedule 10 per cent, and elsewhere 7½ per cent, on the annual value; or

(ii) not exceeding in any municipality specified in the schedule one anna four pies, and elsewhere one anna, per square yard of the ground area; or

(iii) not exceeding in any municipality specified in the schedule four rupees, and elsewhere three rupees, per running foot of frontage in streets or bazaars;

(b) a tax on persons practising any profession or art or carrying on any trade or calling in the municipality;

(c) a tax on all or any vehicles, boats, animals used for riding, driving, draught or burden, and dogs, when the vehicles, boats, animals used as aforesaid, and dogs, are kept within the municipality;

(d) a tax on vehicles and animals used as aforesaid entering the municipality;

(e) a tax on menial and domestic servants;

(f) an octroi on animals or goods or both brought within the octroi-limits for consumption or use therein; and

(B) with the previous sanction of the Local Government and of the Governor General in Council, any other tax.

(2) In this section "annual value" means the gross annual rent for which buildings and lands liable to taxation may reasonably be expected to let, and, in the case of houses, may be expected to let unfurnished:

Provided that, in the case of land assessed to

be double the aggregate of the following amounts, namely:—

(a) the amount of the land-revenue for the time being assessed on the land, whether such assessment is leviable or not; or, when the land-revenue has been wholly or in part compounded for or redeemed, the amount which, but for such composition or redemption, would have been leviable; and

(b) when the improvement of the land due to canal-irrigation has been excluded from account in assessing the land-revenue, the amount of the owner's rate or water-advantage rate or other rate imposed in respect of such improvement.

43. When a committee has, in exercise of the powers conferred by this Act, undertaken the house-sweeping of any house or building, it may charge the occupier of such house or building, in respect of the house-sweeping done for him, with a tax, imposed in the manner by this Act directed, of such amount or at such rate as it thinks fit.

44. (1) Besides the taxes mentioned in the foregoing sections, a committee, with the previous sanction of the Local Government, may, for the purpose of constructing or maintaining works for the supply of water to the municipality or paying the principal or interest of any loan raised for the construction of such works, impose, in the manner by this Act directed, a tax, to be called the water-tax, upon buildings or lands which are so situated that their occupiers can benefit by the works.

(2) The rate or amount of the tax so imposed on different buildings or lands may be determined with reference, among other considerations, to their distance from the nearest point at which the water is deliverable by the works and to their level; but in fixing it regard shall be had to the principle that the total net proceeds of the tax, with the estimated income from payments for water supplied from the works under special contracts, should not exceed the amount required for the said purposes.

45. (1) A committee may, at a special meeting, pass a resolution to propose the imposition of any tax under section 43, section 43 or section 44.

(2) When such a resolution has been passed, the committee shall publish a notice, defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed and the system of assessment to be adopted.

(3) Any inhabitant objecting to the proposed tax may, within thirty days from the publication of the notice, submit his objection in writing to the committee; and the committee shall, at a special meeting, take his objection into consideration.

(4) If no such objection is received within the said period of thirty days, or if such objection, having been considered as aforesaid, is deemed

The Punjab Municipal Bill, 1891.

(Chapter III.—Taxation.—Sections 46-52.)

(5) The Local Government, on receiving such proposals, may sanction the same, or refuse to sanction them, or return them to the committee for further consideration.

(6) When the Local Government sanctions any such proposals which require the further sanction of the Governor General in Council, it shall submit the same to the Governor General in Council, with the objections (if any) received through the committee, and the Governor General in Council may sanction the proposals, or refuse to sanction them, or return them to the Local Government for further consideration.

(7) When the proposals of a committee have been sanctioned by the Local Government, or by the Local Government and the Governor General in Council, as the case may be, the committee may, at a special meeting, direct the imposition of the tax in accordance with such proposals.

(8) *In giving such direction the committee shall fix a date on which the tax shall come into force:*

Provided that—

(a) *a tax shall not come into force until its imposition has been notified:*

(b) *a tax shall not come into force less than three months from the date of the meeting at which its imposition is directed:*

(c) *a tax leviable by the year shall come into force on the first day of January or on the first day of April or on the first day of July or on the first day of October in any year, and if it does not come into force on the first day of January, then the tax shall be leviable to the extent of one-twelfth of its annual amount for each month of the period from the date on which it comes into force till the first day of January next ensuing, and from the latter date it shall be leviable in full for the year thereon commencing.*

(g) A notification of the imposition of a tax under this Act shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Act.

46. A committee may, by a resolution passed at a special meeting and confirmed by the Local Government, abolish or reduce in amount any tax imposed under the foregoing sections.

47. (1) A committee may exempt, in whole or in part, from the payment of any such tax any person who by reason of poverty may in its opinion be unable to pay the same.

(2) A committee may, by resolution passed at a special meeting and confirmed by the Local Government, and the Local Government may by order, exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

48. (1) If at any time it appears to the Local Government, on complaint

its incidence or that the levy thereof or of any part thereof is injurious to the interests of the general public, it may require the committee to take within a specified period measures to remove the objection; and, if within that period the requirement is not complied with to the satisfaction of the Local Government, the Local Government may by notification suspend the levy of the tax or of such part thereof until the objection has been removed.

(2) The Local Government may at any time by notification rescind any such suspension.

49. No tax imposed under this Act shall be invalid merely for defect of Taxes not invalid for form; and it shall be enough in any such tax on property or any assessment of value for the purpose of any such tax if the property taxed or assessed is so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

50. (1) Any tax imposed under the foregoing sections and payable periodically shall be payable on such dates and in such instalments (if any) as the committee with the previous sanction of the *District Magistrate* may, by rule, from time to time direct.

(2) *A tax payable for a year or any other period is said in this Act to be payable by instalments when the period is divided into definite parts in respect of each of which a corresponding part of the tax is payable; but mere payment of such a tax in portions does not constitute payment by instalments unless the portions throughout the period correspond to similar portions of time.*

51. For all sums paid on account of any tax under this Act a receipt, Receipt, to be given, stating the amount and the tax on account of which it is paid, shall be given by the person receiving the same, on request by the person making the payment.

52. (1) An appeal against the assessment or levy of any tax under this Appeals against tax- Act shall lie to the *District Magistrate* or to such other officer as may be empowered by the Local Government in this behalf:

Provided that, when the District Magistrate or such other officer as aforesaid is a member of the committee, the appeal shall lie to the Commissioner of the Division.

(2) If, on the hearing of an appeal under this section, any question as to the liability to, or the principle of assessment of, a tax arises on which the officer hearing the appeal entertains reasonable doubt, he may, either of his own motion or on the application of any person interested, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer the statement with his own opinion on the point for the decision of the Chief Court.

(3) On a reference being made under sub-section (2) the subsequent proceedings in the case shall be, as nearly as may be, in conformity with

*The Punjab Municipal Bill, 1891.**(Chapter III.—Taxation.—Sections 53-58.)*

(4) If an appeal is wholly accepted, the officer deciding the appeal may order the committee to pay the reasonable costs of the appellant in making the appeal if the assessment or levy of the tax appears to have been made without reasonable care, but not otherwise;

if an appeal is wholly rejected, the officer deciding the appeal may order the appellant to pay the reasonable costs of the committee in defending the appeal if the appeal appears to have been made without reasonable or proper ground, but not otherwise;

if the appeal is partly accepted and partly rejected, no costs shall be allowed to either party.

(5) Costs awarded under this section to the committee shall be recoverable by the committee as though they were arrears of a tax due from the appellant or under the provisions of section 53, sub-section (3).

(6) If for ten days the committee fails to pay any costs awarded to an appellant, the officer awarding the costs may order the person having the custody of the balance of the municipal fund to pay the amount.

53. (1) No appeal shall lie in respect of a tax on any land or building, unless it is preferred within one month after the publication of the notice prescribed by section 59, and no appeal shall lie in respect of any other tax unless it is preferred within one month from the time when the demand for the tax is made:

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the officer before whom the appeal is preferred that he had sufficient cause for not presenting the appeal within that period.

(2) *No appeal shall be entertained—*

unless the appellant has paid all municipal taxes due from him to the committee other than the tax or portion of the tax in regard to which the appeal is preferred, and

unless before the appeal is preferred the appellant has deposited with the committee a sum equal in amount to the tax or portion of the tax which is in dispute and in regard to which the appeal is made.

(3) After the appeal is decided the committee may apply any sum deposited with them under sub-section (2), first, in payment of any municipal taxes then due or claimable from the appellant, and, secondly, in payment of any costs awarded against the appellant by the officer deciding the appeal. If thereafter there is any balance, it shall be returned to the appellant on his application.

54. No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than in this Act is provided.

Taxes on Immoveable Property.

55. (1) The committee shall cause an assessment-list of all buildings

- (a) the name of the street or division in which the property is situated;
- (b) the designation of the property, either by name or by number, sufficient for identification;
- (c) the names of the owner and occupier, if known;
- (d) the annual value, area or length of frontage on which the property is assessed; and
- (e) the amount of the tax assessed thereon by the committee.

(2) For the purpose of preparing the list the committee may require the owners or occupiers of the buildings or lands to furnish it with the returns of the measurements and of the rent or annual value.

56. When the assessment-list has been completed, the committee shall give public notice thereof, and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier of property included in the list, or the agent of any such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

57. (1) The committee shall at the same time give public notice of a time, not less than one month fixed for revising assessment-list, from the publication of the notice, when it will proceed to revise the valuation and assessment; and in all cases in which any property is for the first time assessed or the assessment thereof is increased, it shall also give notice thereof to the owner or occupier of the property.

(2) All objections to the valuation and assessment shall be made in writing before the time fixed in the notice or orally or in writing at that time.

58. (1) After the objections have been en- quired into and the persons making them have been allowed an opportunity of being heard either in person or by authorized agent as they think fit and the revision of the valuation and assessment has been completed, the amendments made in the list shall be authenticated by the signatures of not less than two members of the committee, who shall at the same time certify that no valid objection has been made to the valuation and assessment contained in the list, except in the cases in which amendments have been entered therein; and, subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the year commencing on the first day of January next ensuing, as also for the period between the certification and such first day of January, unless the tax for such period is already payable under an assessment previously made.

(2) The list when amended under this section shall be deposited in the committee's office and shall there be open during office-hours to all

The Punjab Municipal Bill, 1891.

(Chapter III.—Taxation.—Sections 59-65.)

59. (1) The committee may at any time amend the list by inserting Further amendments the name of any person of assessment-list whose name ought to be inserted, or by inserting any property which ought to have been inserted, or by altering the assessment on any property which has been insufficiently valued or assessed through mistake, oversight or fraud, after giving notice, to any person interested in the amendment, of a time, not less than one month from the date of service of such notice, at which the amendment is to be made.

(2) Any person interested in any such amendment may tender his objection to the committee in writing before the time fixed in the notice, or orally or in writing at that time, and shall be allowed an opportunity of being heard in support of the same in person or by authorized agent, as he thinks fit.

60. It shall be in the discretion of the committee to prepare a new Now list need not be assessment-list every year, prepared every year or to adopt the valuation and assessment contained in the list for any year, with such alterations as may in particular cases be deemed necessary, as the valuation and assessment for the year following, giving the same notice of the valuation and assessment as if a new assessment-list had been prepared.

61. (1) When a tax payable under section *Remission of tax on 42, sub-section (1), division unoccupied immovable property.* (1), clause (a), or under section 44, is payable in one sum in respect of an entire year, and the property in respect of which it is payable is property which is not occupied, used or rented throughout the year, or when such a tax is payable in instalments and the property is property which is not occupied, used or rented throughout the period in respect of which an instalment is payable, the amount payable in respect of such property for the year or the instalment, as the case may be, shall be remitted:

Provided that it shall be in the discretion of the committee to direct by public notice that no remission shall be granted unless notice in writing of the circumstances under which the remission is claimed has been given to it within such time from the beginning of the year or of the period, as the case may be, as it may from time to time fix in this behalf.

(2) When a tax payable under section 42, sub-section (1), division (A), clause (a), or under section 44, is payable by the year in respect of property—

(a) which has been only partially occupied, used or rented during the year for which the tax is leviable, or

(b) which is wholly or in greater part demolished or destroyed by fire or otherwise,

the committee may remit such portion (if any) of the tax as it thinks equitable

..... of this section the over-

62. (1) A tax payable under section 42, sub-Taxes on immovable property by whom clause (a), shall be paid by payable. the owner of the property in respect of which it is payable.

(2) A tax payable under section 44 shall be paid by the occupier of the property in respect of which it is payable.

63. (1) When any sum is due on account of Recovery of taxes payable by owner. a tax payable under this Act in respect of any property by the owner thereof, the committee shall cause a bill for the amount, stating the property and the period for which the charge is made, to be presented to the person liable to pay the same.

(2) If the bill is not paid within ten days from the presentation thereof, the committee may cause a notice of demand to be served on that person; and, if he does not, within seven days from the service of the notice, pay the sum due, with any fee leviable for the notice, or show sufficient cause for non-payment, the sum due, with the fee, shall be deemed to be an arrear of tax.

(3) The amount of every such arrear, besides being recoverable in any other manner provided by this Act, shall, subject to any claim on behalf of Her Majesty, be a first charge on the property in respect of which it is payable, and shall be recoverable, on application made in this behalf by the committee to the Collector, as if the property were an estate assessed to land-revenue and the arrear were an arrear of such revenue due thereon:

Provided that nothing in this sub-section shall authorize the arrest of a defaulter.

Octroi and Tolls.

64. If any person, bringing or receiving a conveyance or package within Power to search where octroi is leviable. the octroi-limits of a municipality in which octroi is leviable, refuses, on the demand of an officer authorized by the committee in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before any Magistrate or member of the committee, who shall cause the inspection to be made in his presence.

65. Every person bringing or receiving within the octroi-limits of any Power to examine article liable to octroi. municipality any article on which octroi is payable shall, when required by an officer authorized by the committee in this behalf, and so far as may be necessary for ascertaining the amount of tax chargeable,—

(a) permit that officer to inspect, examine, weigh and otherwise deal with the article; and

*The Punjab Municipal Bill, 1891.**(Chapter III.—Taxation.—Sections 66-70. Chapter IV.—Municipal Fund and Property.—Sections 71-72.)*

66. Every officer demanding octroi by the authority of the committee
Presentation of bill for octroi shall tender to every person introducing or receiving any article on which the tax is claimed a bill specifying the article taxable, the amount claimed and the rate at which the tax is calculated.

67. (1) In case of non-payment of any octroi Recovery of octroi or of any toll on demand, and tolls. the officer empowered to collect the same may seize any article on which the octroi is chargeable, or any vehicle or animal on which the toll is chargeable, or any part of its burden of sufficient value to satisfy the demand.

(2) The committee may cause any property so seized, or so much thereof as is necessary to be sold by auction to satisfy the demand, with the expenses occasioned by the seizure, custody and sale thereof, unless the demand and expenses are in the meantime paid, after the lapse of five days from the seizure, and after the issue of a proclamation fixing the time and place of sale:

Provided that, by order of the president or a vice-president, articles of a perishable nature which could not be kept for five days without serious risk of damage may be sold after the lapse of such shorter time as he may, having regard to the nature of the articles, think proper.

68. The collection of any octroi or toll may be leased by the committee, with the previous collection of octroi or sanction of the Commissioner, for any period not exceeding one year; and the lessee and all persons employed by him in the management and collection of the octroi or toll shall in respect thereof—

- (a) be bound by any rules made by the committee for their guidance;
- (b) have such powers exercisable by servants of a committee under this Act as the committee may, from time to time, confer upon them; and
- (c) be entitled to the same remedies and be subject to the same responsibilities as if they were employed by the committee for the management and collection of the octroi or toll.

69. If goods passing the octroi-boundary of a municipality are liable to the payment of octroi, then any person who, with the intention to defraud the municipal committee or their lessee for the collection of octroi, causes or abets the introduction of, or himself introduces or attempts to introduce, within the said octroi-boundary any such goods upon which payment of the octroi due on such introduction has neither been made nor tendered shall be punishable with fine which may extend either to ten times the value of such octroi or to fifty rupees.

70. (1) The committee may, by written communication call upon

(2) If any inhabitant so called upon to furnish information omits to furnish it or furnishes information which is untrue, he shall be punishable with fine which may extend to twenty rupees.

CHAPTER IV.**MUNICIPAL FUND AND PROPERTY.**

71. There shall be formed for each municipality a municipal fund, and there shall be placed to the credit thereof—

- (a) all sums received by or on behalf of the committee under this Act or otherwise;
- (b) all fines realized in cases in which prosecutions for offences committed within the municipality are instituted under this Act or the rules thereunder or under section 34 of Act V of 1861 or under the Prevention of Cruelty to Animals XI of 1890 Act, 1890; and
- (c) the balance (if any) standing at the credit of the municipal fund of the municipality at the commencement of this Act.

72. (1) The committee shall set apart and apply annually out of the municipal fund—

- (a) first, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it;
- (b) secondly, such sum as may be required to meet the charges of its own establishment, including such subscriptions and contributions as are referred to in sections 34 and 35 and such sum as may be required for the maintenance of a police-establishment under Chapter V;
- (c) thirdly, such sum as may be required to pay the expenses of pauper lunatics sent to public asylums from the municipality and as ought, in the opinion of the Local Government, to be paid by the committee, the expenses incurred in auditing the accounts of the committee, and such portion of the cost of the Provincial Departments for Education, Sanitation Vaccination, Medical Relief and Public Works as may be held by the Local Government to be equitably debitable to the committee in return for services rendered to it by these Departments.

(2) Subject to the charges specified in sub-section (1) and to such rules as the Local Government may make with respect to the priority to be given to the several duties of the committee, the municipal fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the following matters within the municipality, and with the sanction of the Commissioner outside the municipality, namely:—

- (a) the construction, maintenance, improvement, cleansing and repair of public streets, bridges, embankments, drains, latrines tanks and watercourses;

*The Punjab Municipal Bill, 1891.**(Chapter IV.—Municipal Fund and Property.—Sections 73-78.)*

the promotion of education or for the benefit of the public health, and of rest-houses, sarais, poor-houses, markets, encamping-grounds, pounds and other works of public utility, and the control and administration of public institutions of any of these descriptions;

- (d) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper-asylums and other educational or charitable institutions;
- (e) the training of teachers and the establishment of scholarships;
- (f) the giving of relief and the establishment and maintenance of relief-works in time of famine or scarcity;
- (g) the supply, storage and preservation from pollution of water for the use of men or animals;
- (h) the planting and preservation of trees;
- (i) the taking of a census, the registration of births, marriages and deaths, public vaccination and any other sanitary measure;
- (j) the holding of fairs and industrial exhibitions; and
- (k) all acts and things which are likely to promote the safety, health, welfare or convenience of the inhabitants or expenditure whereon may be declared by the committee, with the previous sanction of the Local Government, to be an appropriate charge on the municipal fund.

73. *With the sanction of the Local Government a salary of such amount as the Local Government may fix may be paid to the president of a committee out of the municipal fund.*

74. (1) In places where there is a Government treasury or sub-treasury or bank to which the Government treasury business has been made over, the municipal fund shall be kept in the treasury, sub-treasury or bank.

(2) In places where there is no such treasury sub-treasury or bank, the municipal fund may be deposited with any banker, or person acting as a banker, who has given such security for the safe custody and repayment on demand of the fund so deposited as the Commissioner may in each case think sufficient.

75. (1) A committee may, from time to time, with the previous sanction of the Commissioner, invest any portion of its municipal fund in securities of the Government of India or such other securities as the Governor General in Council may approve in this behalf, and vary such investments for others of a like nature.

(2) The income resulting from the securities and the proceeds of the sale of the same shall be credited to the municipal fund.

specified and situated within the municipality shall be vested in and belong to the committee, and shall, with all other property which may become vested in the committee, be under its direction, management and control, and shall be held and applied by it for the purposes of this Act, that is to say:—

- (a) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depots and public buildings of every description which have been constructed or are maintained out of the municipal fund;
- (b) all public streams, springs and works for the supply, storage and distribution of water for public purposes, and all bridges, buildings, engines, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well;
- (c) all public sewers and drains, and all sewers, drains, culverts and water-courses in, alongside or under any street, and all works, materials and things appertaining thereto;
- (d) all dust, dirt, dung, ashes, refuse, animal-matter or filth or rubbish of any kind, or dead bodies of animals, collected by the committee from the streets, houses, privies, sewers, cesspools or elsewhere or deposited in places fixed by the committee under section 97;
- (e) all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto;
- (f) all land or other property transferred to the committee by the Government or by gift, purchase or otherwise for local public purposes;
- (g) all streets, and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

77. (1) The management, control and administration of every public institution maintained out of the municipal fund shall vest in the committee:

Provided that the extent of the independent authority of the committee in respect of any such institution may be prescribed by the Local Government.

(2) When any public institution is placed under the direction, management and control of the committee, all property, endowments and funds belonging thereto shall be held by the committee in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution was so placed.

78. The committee may, with the sanction of the Local Government, transfer to Her Majesty

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(*Chapter V.—Municipal Police.—Sections 79-84. Chapter VI.—Powers for Sanitary and other Purposes.—Sections 85-86.*)

CHAPTER V.

MUNICIPAL POLICE

79. (1) Every committee shall, unless it is relieved of this obligation by Police-establishment, the Local Government, maintain a sufficient police-establishment for police requirements within municipal limits and for the performance of the duties imposed on it by this Act.

(2) The establishment maintained under subsection (1) shall, as the committee with the approval of the Local Government may, from time to time, determine, be either a body of watchmen or a part of the general police-force under the Local Government within the meaning of section 2 of Act V of 1861, or partly one and partly the other; and it shall consist of such number of officers and men, and the officers and men shall receive such pay, leave-allowances, gratuities and pensions, as the committee may from time to time, after consultation with the District Magistrate and the Inspector General of Police, and subject to the final decision of the Local Government, direct.

80. (1) The Local Government may relieve Relief of committee any committee of the whole from police-charges, or part of the cost of the police-establishment, and may enter into a contract with the committee, on such terms as may be agreed on, that, in consideration of such relief, the committee shall pay periodically a sum not exceeding the amount thereof or undertake any services within the municipality to which the municipal fund can properly be applied, and which are estimated to cost not more than the amount of the relief.

(2) When a committee is relieved under this section of the whole or part of the cost of the police-establishment which it is required to maintain, the Local Government shall maintain such police-establishment as it considers necessary, and the establishment so maintained may be either a body of watchmen or a part of the general police-force under the Local Government within the meaning of section 2 of Act V of 1861, or partly one and partly the other.

81. (1) If the establishment maintained under Appointment, liability and duties of municipal watchmen this Chapter is wholly or in part a body of watchmen, the watchmen—

- (a) shall be under the orders of the District Superintendent of Police subject to the general control of the District Magistrate;
- (b) shall be appointed and promoted, and shall be liable to dismissal, suspension, reduction or fine, under such rules as the Local Government may make in this behalf;
- (c) shall perform such duties as the Local Government may, subject to the provisions of this Act, direct; and
- (d) shall possess the same powers, be entitled to the same assistance, enjoy the same protection, be subject to the same

arrested without warrant by a police-officer or by any such watchman.

82. If the establishment maintained under Duties of municipal police enrolled under this Chapter or any portion thereof is part of the general police-force, the Local Government may, notwithstanding anything contained in Act V of 1861 or in any other Act for the time being in force, define, subject to the provisions of this Act, the duties which the officers and men of the establishment or such portion thereof may or may not be required to perform.

83. (1) Every member of a police-establishment under this Act shall give immediate information to the committee of offences against Act and rules, and assistance to any offence committed against this Act or the rules made thereunder, and shall be bound to assist all members, officers and servants of the committee in the exercise of their lawful authority.

(2) Every member of such police-establishment may arrest any person committing in his view any offence against this Act or the rules thereunder—

- (a) if the name and address of the person are unknown to him, and
- (b) if the person declines to give his name and address or if there is reason to doubt the accuracy of the name and address it given.

(3) A person arrested under this section may be detained until his name and address are correctly ascertained:

Provided that no person so arrested shall be detained longer than is necessary for bringing him before a Magistrate unless the order of a Magistrate for his detention is obtained.

84. When special police-protection is, in the opinion of the Local Government at any fair, agricultural show or industrial exhibition managed by a committee, the Local Government may provide such protection, and the committee shall pay the whole charge thereof or such portion of the charge as the Local Government may consider equitably debitable to it.

CHAPTER VI.

POWERS FOR SANITARY AND OTHER PURPOSES.

Streets and Buildings.

85. When any land is required for a new street or for the improvement of an existing street, Power to acquire land for building-sites ad-joining new streets. the committee may proceed to acquire, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on the sides of the street.

86. The committee may close temporarily any

*The Punjab Municipal Bill, 1891.**(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 87-93.)*

may divert, discontinue or permanently close any such street, and sell the land or such part thereof as is not required for the purposes of this Act.

87. The committee may grant permission in writing for the temporary occupation of any street or land vested in it for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of persons passing by or dwelling or working in the neighbourhood, and may charge fees for such permission, and may at its discretion withdraw the permission.

88. The committee may attach to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience.

89. (1) The committee may cause a name to be given to any street, and numbers of streets and buildings to be affixed on any building in such place as it thinks fit, and may also cause a number to be affixed to any building; and in like manner may, from time to time, cause such names and numbers to be altered.

(2) Whoever destroys, pulls down or defaces any such name or number, or puts up any different name or number from that put up by order of the committee, shall be punishable with fine which may extend to twenty rupees.

90. The committee may direct that, within certain limits, to be fixed by walls not to be made of it, the roofs and external inflammable materials. walls of huts or other buildings shall not be made or renewed of grass, mats, leaves or other highly inflammable materials unless with the permission of the committee in writing; and the committee may, by written notice, require any person who has disobeyed any such direction to remove or alter the roofs or walls so made or renewed as it may think fit.

91. (1) If any building or part of a building projects beyond the regular line of a street, either of buildings. existing or determined on for the future, or beyond the front of the building on either side thereof, the committee may, whenever the building or part has been either entirely or in greater part taken down or burnt down, or has fallen down, by notice require the building or part, when being re-built, to be set back to or towards the said regular line or the front of the adjoining buildings; and the portion of the land added to the street by such setting back or removal shall become part of the street and shall vest in the committee:

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back.

(2) The committee may, on such terms as it

92. (1) Any person intending to erect or re-erect any building shall, if required to do so by rule made by the committee in this behalf, give notice in writing of his intention to the committee, and shall obey all written directions consistent with this Act given by the committee within two months after receiving such notice, either prohibiting the erection or re-erection if deemed likely to be injurious to the inhabitants of the neighbourhood, or in respect of all or any of the matters following, namely.—

- (a) free passage or way in front of the building;
- (b) space to be left about the building to secure free circulation of air and facilitate scavenging and for the prevention of fire;
- (c) ventilation, and the provision and position of drains, privies or cesspools;
- (d) level and width of foundation, level of lowest floor and stability of structure, and
- (e) the line of frontage with neighbouring buildings, if the building abuts on a street:

Provided that the committee shall make full compensation to the owner for any damage which he may sustain in consequence of the prohibition of the re-erection of any building, or of its requiring any land belonging to him to be added to the street.

(2) Any person giving notice to the committee under sub-section (1) shall, if required to do so by rule made by the committee in this behalf, along with his notice forward a plan and specification of the building which he intends to erect or re-erect of such a character and with such details as the committee may by rule prescribe. No notice under sub-section (1) shall be valid unless accompanied by such plan and specification as may be required under this sub-section.

(3) In any case to which sub-section (2) does not apply the committee may require a person who gives them notice under sub-section (1) to submit within one week of the receipt of the requisition a sufficient plan and specification of the building which he intends to erect or re-erect with such reasonable details as the committee may prescribe in their requisition.

(4) If any such building is begun or erected without giving notice, or without submitting a plan and specification as aforesaid when required, or in contravention of the legal orders of the committee issued within two months of receipt of notice under sub-section (1), the committee may, by notice, require the building to be altered or demolished, as it may deem necessary.

93. (1) The committee may at a special meeting make rules to regulate in the erection or mode of construction of re-erection of any building within the municipality—

- (a) the materials and method of construction to be used for external and parti-

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- (b) the position of fire-places, chimneys, drains, privies and cesspools;
- (c) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on;
- (d) the number and height of the storeys of which the building may consist; and
- (e) the means to be provided for egress from the building in case of fire:

Provided that the committee may by resolution dispense with the observance of any or all of the rules made under this section in regard to the erection or re-erection of any building specified in the resolution.

(2) If in and during the erection or re-erection of any building any rule under this section is contravened, the committee may by notice require the building to be altered or demolished within the space of thirty days as it may deem necessary:

Provided that no such notice shall issue in respect of the contravention of any rule of which the observance has been dispensed with under the proviso to sub-section (1).

(3) This section shall take effect in a municipality only after it has been specially extended thereto by the Local Government at the request of the committee.

94. The expression "erect any building", as used in the two last foregoing sections, includes, among other matters, all additions and alterations which involve new foundations or increased superstructure on existing foundations, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only.

95. (1) It shall not be lawful, unless with the written permission of the committee, for the owner or occupier of any building abutting on a street to add to, or place against or in front of, the building any projection or structure overhanging, projecting into or encroaching on the street or into or on any drain, sewer or aqueduct therein.

(2) The committee may, by notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction built or placed against or in front thereof if the same overhangs or projects into or encroaches on any public street, or projects into or encroaches on any drain, aqueduct or sewer in the street:

Provided that, in the case of a projection, encroachment or obstruction being lawfully in existence at the time of the passing of this Act, the committee shall make reasonable compensation to any person who suffers damage by the removal or alteration.

(3) The committee may give written permission to the owners or occupiers of buildings in streets to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement-wall, and at a height from the level

Bathing and Washing Places.

96. The committee may set apart suitable places for the purpose of bathing and washing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants, and may, by public notice, prohibit bathing, or washing animals or clothes, in any public place not so set apart, or at times or by persons other than those specified, and all other acts not so permitted by which water in public places may be rendered foul or unfit for use.

Deposit of Offensive Matter and Slaughter-places.

97. The committee may fix places within or beyond the limits of the municipality for the deposit of refuse, rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals, and may by public notice give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or dead bodies of animals may be removed along any street and deposited at such places.

98. (1) The committee may, with the approval of the District Magistrate, fix and abolish places either within or without the limits of the municipality for the slaughter of animals for sale, or of any specified description of such animals, and may with the like approval grant and withdraw licenses for the use of such places, or, if they belong to the committee, charge rent or fees for the use of the same.

(2) When such places are fixed by the committee beyond municipal limits it shall have the same power to make rules for the inspection and proper regulation of the same as if they were within those limits.

(3) When any such place has been fixed, no person shall slaughter any such animal for sale within the municipality at any other place.

(4) Whoever slaughters any such animal for sale at any other place within the municipality shall be punishable with fine which may extend to twenty rupees.

99. (1) The committee may make rules to fix places within the municipality in which the slaughter of animals not for sale shall be permitted and to prohibit, except in case of necessity, such slaughter elsewhere within the municipality:

Provided that no rules under this section shall apply to animals slaughtered for any religious purpose.

(2) This section shall take effect in a municipality only after it has been specially extended

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100. (1) If an animal in charge of any person dies otherwise than by respect to disposal of slaughter either for sale dead bodies of animals, or for some religious purpose, the person in charge thereof shall within twenty-four hours—

(a) convey the carcase to a place (if any) fixed by the committee under section 97 for the disposal of the dead bodies of animals, or

(b) give notice of the death to the committee, whereupon the committee shall cause the carcase to be disposed of.

(2) A person bound to act in accordance with sub-section (1) shall, if he fails so to act, be punishable with fine which may extend to ten rupees.

(3) In respect of the disposal of the dead body of an animal under clause (b) of sub-section (1) the committee may charge such fee as the committee, with the sanction of the Commissioner, may, by rule, have prescribed.

Burial and Burning Places.

101. (1) The committee may, by public notice, order any burial or burning burial and burning ground which is, in its opinion, dangerous to the health of persons living in the neighbourhood, to be closed, from a date to be specified in the notice, and shall, in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

(2) Private burial-places in such burial-grounds may be excepted from the notice, subject to such conditions as the committee may impose in this behalf.

Provided that the limits of such burial-places are sufficiently defined, and that they shall only be used for the burial of members of the family of the owners thereof.

(3) No burial or burning ground, whether public or private, shall be made or formed, after the passing of this Act, without the permission in writing of the committee.

(4) If any person buries or burns, or causes or permits to be buried or burnt, any corpse in any burial or burning ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, he shall be punishable with fine which may extend to fifty rupees.

102. The committee may, by public notice, prescribe routes for the removal of corpses. removal of corpses to burial or burning places.

Inflammable Materials.

103. The committee may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice, prohibit all persons from stacking or collecting wood, dry grass, straw or other inflammable materials, or placing mats or thatched huts or lighting fires in any place or within any limits specified in the notice.

104. In any municipality to which section 93 has been specially ex-

may by public notice prohibit the lighting of fires in the top storey of any building or the placing in positions which the committee deems to be dangerous to the public safety of stands for lamps and candles.

105. The committee may, by public notice, prohibit the storage of more than a fixed maximum quantity of petroleum, explosive, spirit, naphtha or other inflammable material in any building not licensed under section 135.

Powers of Entry and Inspection.

106. (1) The committee, by any person authorized by it in this behalf, may, between sunrise and sunset, enter into any building or upon any land, and inspect any drain, privies or cesspools therein or thereon, and may cause the ground to be opened where such person as aforesaid may think fit for the purpose of preventing or removing any nuisance arising from the drains, privies or cesspools.

(2) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building, but if it is found that no nuisance exists, or but for such opening would have arisen, the ground shall be closed and made good as soon as may be, and the expense of opening, closing and making it good shall be borne by the committee.

(3) Entry into a building other than a latrine shall not be made under this section until six hours' notice in writing has been given to the occupier of the building by the committee or by the person authorised by the committee to make the entry.

107. (1) The committee, by any person authorized by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there is no occupier to the owner, of any building, at any time between sunrise and sunset enter and inspect the building, and may by notice direct all or any part thereof to be forthwith internally or externally lime-washed, disinfected or otherwise cleansed for sanitary reasons.

(2) In this section the word "building" means either a building or a part of a building.

(3) If the building to be inspected is a stable for horses or a house or shed for cows or other cattle, previous notice shall not be requisite before inspection.

108. The committee, by any person authorised by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there is no occupier, to the owner, of any building or land, may at any time between sunrise and sunset—

(a) enter on and survey and take levels of any land;

(b) enter and measure any building

*The Punjab Municipal Bill, 1891.**(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 109-118)*

(c) enter into any building or on any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains or of executing or repairing any work which it is by this Act empowered to execute or maintain.

109. The committee, by any person authorised by it in this behalf, may, at any time between sunrise and sunset, enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Act for which a license has not been duly taken out.

110. The committee, by any person authorised by it in this behalf, may at all reasonable times enter into and inspect any market, building, shop, stall or place used for the sale of food or drink for man, or as a slaughter-house, or for the sale of drugs, and inspect and examine any food or drink, animal or drug which may be therein; and, if any article of food or drink or any animal therein appears to be intended for the consumption of man and to be unfit therefor, may seize and remove the same, or may cause it to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such consumption;

and, in case any drug is reasonably suspected to be adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may remove the same, giving a receipt therefor, and may cause it to be brought before a Magistrate for enquiry whether any offence has been committed in respect thereof, and for his orders as to its disposal.

House-scavenging.

111. (1) The removal of filth, rubbish, ordure or other offensive matter from a privy, cesspool or other common receptacle for such matter in or pertaining to a house or building is called house-scavenging.

(2) The committee may, by public notice, undertake the house-scavenging of any houses or buildings in the municipality from any date not less than sixty days after issue of the notice.

(3) The occupier of any house or building affected by the notice may at any time after the issue thereof apply to the committee to exclude that house or building from the notice.

(4) The committee shall consider and pass orders upon every such application within forty days of the receipt thereof, and, if the decision of the committee upon the application is that the house or building be excluded from the notice, the notice shall cease to apply to such house or building.

(5) In deciding whether to exclude any house or building from the notice the committee shall consider, among other matters, the efficiency of the arrangements for house-scavenging made by the occupier (if any) and the purpose to

112. Notwithstanding anything in the last Savings in favour of foregoing section, the customary sweepers committee shall not, except in case of agriculturists, in accordance with the provisions of this Chapter,—

(a) undertake the house-scavenging of any house or building if any sweeper has a customary right to do such house-scavenging;

(b) otherwise than on the application of or with the consent of the occupier, undertake the house-scavenging of any house or building occupied by an agriculturist who himself cultivates land within municipal limits or in a village contiguous therewith.

113. Subject to the provisions of the last foregoing section with respect to the customary scavenging on application or with consent, the committee may at any time undertake the house-scavenging of any house or building on the application of or with the consent of the occupier.

114. When once the committee has undertaken the house-scavenging of any house or building taken by committee under this Chapter, it may continue to perform such house-scavenging with or without the consent of the person who for the time being occupies such house or building.

115. When the committee has undertaken the house-scavenging of any house or building it shall be bound to perform the same properly unless it has relieved itself of the obligation by an order under section 111, sub-section (4).

116. The servants of the committee employed in house-scavenging may at all reasonable times do all things necessary for the proper performance of any house-scavenging undertaken by the committee.

117. All matter removed by the servants of the committee in the course of collections from house-scavenging shall belong to the committee.

118. (1) If a sweeper who has a customary right to do the house-scavenging of a house or building (hereinafter called the customary sweeper) fails to perform such house-scavenging in a proper way and at reasonable intervals, the occupier of the house or building or the committee may complain to a Magistrate.

(2) The Magistrate receiving such complaint shall hold an enquiry, and, if it appears to him that the customary sweeper has failed to perform the house-scavenging of the house or building in a proper way or at reasonable intervals, he may impose upon such customary sweeper a fine which may extend to ten rupees, and, if the customary sweeper has already been fined under this section in regard to the house-scavenging of the same house or building, the Magistrate may also direct the right of the

*The Punjab Municipal Bill, 1891.**(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 119-127.)*

(3) If such a direction is given, the right shall be forfeited accordingly unless the order of the Magistrate is cancelled on appeal or revision.

119. (1) If an agriculturist who himself or his agent cultivates land within municipal limits or in a village or town contiguous therewith fails to provide for the proper house-scavenging of any house or building occupied by him, the committee may complain to a Magistrate.

(2) The Magistrate receiving the complaint shall hold an enquiry, and, if it appears to him that the agriculturist has not provided for the proper house-scavenging of the house or building, he may pass an order empowering the committee to undertake the same.

(3) On issue of such an order the committee shall be entitled to undertake such house-scavenging.

Search for inflammable or explosive material in excess of authorised quantity.

120. (1) The committee may at any reasonable time, by any person Search for inflammable or explosive material in excess of authorised quantity, enter upon any house or building which is suspected to contain petroleum, explosive or other inflammable material in excess of the quantity permitted to be kept in such house or building under the provisions of this Act or of any rule or public notice made or published thereunder.

(2) If the person making an inspection under this section discovers any such excess quantity of such material, he may seize such excess and hold it subject to such order as a Magistrate, upon the application of such person, may pass with respect to it.

(3) If the Magistrate decides that the material seized was stored in the house or building contrary to the provisions of this Act or of any rule or public notice made or published thereunder, he shall pass an order confiscating the same, and his order shall not be open to appeal.

(4) An order of confiscation under this section shall not operate to prevent any other criminal or civil proceedings to which the person storing the material in excessive quantity may be liable.

Water-pipes, Privies and Drains.

121. The committee may, by notice, require the owner of any building for rain-water Troughs and pipes or land in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the building or land and for discharging the same so as not to inconvenience persons passing along the street.

122. (1) The committee may, by notice, require the owner of any building or land to close or remove, or provide, any drain, privy, cesspool or other receptacle for filth or to provide any additional drains, Provision of privies and the like.

(2) The committee may, by notice, require any persons employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit, and to cause the same to be kept in proper order and to be daily cleaned.

(3) The committee may, by notice, require the owner or occupier of any building or land to have any privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the committee directs, any door or trapdoor of a privy opening on to any street or drain.

123. (1) The committee may, by notice, require the owner or occupier of any building or land to repair and close any drain, privy or cesspool belonging thereto.

(2) The committee may by notice, require any person who constructs any new drain, privy or cesspool without its permission in writing or contrary to its directions or regulations or to the provisions of this Act, or who constructs, rebuilds or opens any drain, privy or cesspool which it has ordered to be demolished or stopped up or not to be made, to demolish the drain, privy or cesspool, or to make such alteration therein as it thinks fit.

124. The committee may, by notice, require any person who without its permission in writing or otherwise erects or rebuilds any building over any sewer, drain, culvert, water-course or water-pipe vested in the committee to pull down or otherwise deal with the same as it thinks fit.

125. The committee may, by notice, require Removal of latrines any owner or occupier on whose land any drain, latrine, urinal, cesspool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, to remove or close the same within one week.

126. The committee may, by notice, require the owner or occupier of any land or building to cleanse, repair, cover, fill up or drain off any private well, tank, reservoir, pool, depression or excavation therein, which appears to the committee to be injurious to health or offensive to the neighbourhood : Power to require removal of nuisance arising from tanks and the like.

Provided that, if for the purpose of effecting any drainage under this section it is necessary to acquire any land not belonging to the person who is required to drain his land or to pay compensation to any other person, the committee shall provide the land or pay the compensation.

Dangerous Buildings and Places.

127. If any building, or any well, tank, reservoir, pool, depression or excavation is, for buildings, walls, tanks, Power to require want of sufficient repair,

*The Punjab Municipal Bill, 1891.**(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 128-135.)*

owner or occupier thereof to repair, protect or enclose the same ; and, if it appears to it to be necessary in order to prevent imminent danger, it shall forthwith take such steps as are necessary to avert the danger.

128. If any building, wall, structure or any Building, &c., in thing affixed thereto is ruinous or dangerous deemed by the committee to be in a ruinous state or in any way dangerous, it may, by notice, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made to the building, wall or structure as the committee considers necessary for the public safety ; and, if it appears to it to be necessary in order to prevent imminent danger, the committee shall forthwith take such steps as are necessary to avert the danger.

Buildings and Grounds in Unsanitary Condition.

129. The committee may, by notice, require Power to require the owner or occupier of owner to clear away any land to clear away and noxious vegetation. remove any thick vegetation or undergrowth which appears to the committee to be injurious to health or offensive to the neighbourhood.

130. The committee may, by notice, require Power to require the owner or occupier of hedge, and trees to be any land within three days trimmed. to cut or trim the hedges thereof bordering on any street, or branches of trees growing thereon which overhang any street and obstruct the same or cause danger thereto, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof.

131. If the owner or occupier of any building, building or land suffers the same to be in a filthy or unwholesome state, the committee may, by notice, require him within twenty-four hours to cleanse the same or otherwise put it in a proper state.

132. If any building or any part of any building appears to the committee to be unfit for human habitation of buildings unfit for such use. Power to prohibit use for human habitation of buildings unfit for such use. proper means of drainage or ventilation of other sufficient reason, the committee may, by notice, prohibit the owner or occupier thereof from using the same for human habitation or suffering it to be so used, until the committee is satisfied that it has been rendered fit for such use.

133. The committee may, by notice, require the owner or part-owner, or person claiming to be the owner or part-owner, of any building or land which, by reason of abandonment or Power to require untenanted buildings becoming a nuisance to be secured or enclosed.

134. (1) The Local Government may, on the Cultivation, use of report of the Sanitary manure or irrigation, Commissioner or of the injurious to health, after Civil Surgeon that the cultivation of any descrip-

tion of crop or the use of any kind of manure or the irrigation of land in any specified manner in any place within the limit of any municipality is injurious to the health of persons dwelling in the neighbourhood, by notification prohibit the cultivation of the crop, the use of the manure or the irrigation so reported to be injurious, or regulate it by imposing such conditions thereon as may prevent the injury

Provided that when on any land to which the notification applies that description of crop has been cultivated, that kind of manure has been used, or irrigation has been practised in that manner during the five years preceding the notification with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested in that land for any damage caused to them by the prohibition or regulation.

(2) If any person cultivates, uses manure or irrigates in disregard of the prohibition or conditions notified under sub-section (1), he shall be punishable with fine which may extend to fifty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Offensive and Dangerous Trades.

135. (1) The owner or occupier of every place within the municipality used for any of the trades.

Regulation of offensive and dangerous trades. following purposes, namely :—
melting tallow ;
boiling bones, offal or blood ; or
as a soap-house, oil-boiling house, dyeing-house or tannery ; or
as a brickkiln, pottery or lime-kiln ; or
as any other manufactory or place of business from which offensive or unwholesome smells arise ; or
as a yard or depôt for trade in hay, straw, thatching-grass, wood or coal, or other dangerously inflammable material ; or

as a store-house for petroleum or any explosive or spirit, or for naphtha or any inflammable oil ;

shall register the same in a book to be kept by the committee for the purpose.

(2) No place shall be newly used for any of the said purposes except under a license from the committee, which shall be renewable annually.

(3) The license shall not be withheld unless the committee considers that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in, or frequenting, the immediate neighbourhood.

(4) The committee may charge fees for such licenses, and may impose such conditions in

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fine not exceeding ten rupees for every day during which the offence is continued after he has been convicted of such offence.

(6) The owner or occupier of any place registered under sub-section (1) may, for the avoidance of the effect of a prohibition under section 103 or for any other purpose, apply to have that place licensed under this section. The provisions of sub-sections (3) and (4) shall apply to such an application, and if the license is granted the registration of the place shall thereby be cancelled and shall not be renewed.

136. (1) If it is shown to the satisfaction of the committee that any place registered or licensed under the last preceding section is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, it may, by notice, require the occupier thereof to discontinue the use of the place, or to use it in such manner as will, in the opinion of the committee, render it no longer a nuisance or dangerous.

(2) Whoever, after such notice has been given, uses the place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous, shall be punishable with fine which may extend to two hundred rupees and with further fine not exceeding forty rupees for every day during which the offence is continued after he has been convicted of such offence.

Regulation of manufacture, preparation and sale of food and drink.

137. (1) The committee may, from time to time, at a special meeting, to regulate manufacture, preparation and sale of food and drink.

- (a) to prohibit the manufacture or preparation for sale of any specified articles of food or drink in any premises not licensed by the committee;
- (b) to regulate the grant and withdrawal of licenses to premises for the manufacture or preparation for sale of such specified articles of food or drink;
- (c) to regulate the hours and manner of transport within the municipality of any specified articles of food or drink;
- (d) to fix the places in which any specified article of food or drink may be sold or exposed for sale or the places in which it may not be sold or exposed for sale:

Provided that if, when rules are made under this section, any person is carrying on the manufacture or preparation for sale or the sale of any article of food or drink in premises in which such manufacture or preparation for sale, or such sale, is not permissible under such rules, then such person shall not be punishable for breach of such rules until he has received from the committee six months' notice in writing to discontinue such manufacture or preparation for sale, or such sale, in such premises.

Dangerous Animals.

138. (1) A committee, by any person authorised by it in this behalf, destruction or mad may destroy or cause to be destroyed any dog suffering from rabies or suspected to be suffering from rabies.

(2) No damages shall be payable in respect of a dog destroyed under this section.

139. With the previous sanction of the Local Muzzling officers, a committee may, by public notice, require all dogs in streets to be muzzled during any period not exceeding six months.

Restraint of Infection.

Information to be given of cholera or small-pox. 140. Whoever—

- (a) being a medical practitioner or a person openly and constantly practising the medical profession and becoming cognisant of the existence of cholera or small-pox in any private or in any public dwelling other than a public hospital, or, in default of such medical practitioner or person practising the medical profession,
- (b) being the owner, grantee or occupier of such private or public dwelling, as the case may be, and being cognisant of the existence of cholera or small-pox therein, or in default of such owner, grantee or occupier,
- (c) being the person in charge of or in attendance on any person suffering from cholera or small-pox in such private or public dwelling, and being cognisant of the existence of the disease therein, fails by himself or by any inmate of such dwelling as aforesaid, or by a servant or other person, to give information or gives false information to the committee, or to some person appointed by the committee in this behalf, respecting the existence of such disease, shall be punishable with fine which may extend to fifty rupees:

Provided that, if a person is not required to give information in the first instance, but only in default of some other person, he shall not be punishable if it is shown that he had reasonable cause to suppose that the information had been duly given.

Removal to hospital of cholera and small-pox patients. 141. If a person is suffering from cholera or small-pox, and

- (a) is without proper lodging or accommodation, or
- (b) is living in a sarai or other public hostel, or
- (c) is living in a room or house which he neither owns nor pays rent for, or
- (d) is lodged in premises occupied by two or more families, and any member of either or any of those families objects to his continuing to lodge in such premises,

the committee, by any person authorised by it

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such disease are received for medical treatment, and may do anything necessary for such removal.

142. If the committee considers that the pollution by communication of water in any well, tank or water of one of the other place is likely, if wholesome water, used for drinking, to engender or cause the spread of any dangerous disease, it may by public notice prohibit the removal or use of such water for drinking.

143. Neither of the two last foregoing sections shall take effect in application of the two sections has been specially extended thereto by the Local Government at the request of the committee.

Power to make Rules.

144. (1) A committee may, from time to time, at a special meeting, make rules—

- (a) for rendering license, necessary for the proprietor or drivers of vehicles, boats or animals plying for hire within the limit of the municipality, and fixing the fees payable for such licenses and the conditions on which they are to be granted and may be revoked;
- (b) for limiting the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance, or of animals hired to carry loads, or for the services of persons hired to carry loads, and the load, to be carried by such conveyances, animals or persons, where they are hired within the municipality for a period not exceeding twenty-four hours or for a service which would ordinarily be performed within twenty-four hours;
- (c) for securing a proper registration of births, marriages and deaths, and for the taking of a census;
- (d) for fixing, and from time to time varying, the number of persons who may occupy a building or part of a building which is let in lodgings, or occupied by members of more than one family; for the registration and inspection of such buildings; for promoting cleanliness and ventilation in such buildings; for the notices to be given and the precautions to be taken in the case of any infectious disease breaking out in such buildings; and generally for the proper regulation of such buildings;
- (e) for the inspection and proper regulation of encamping-grounds, pounds, sarais, markets and slaughter-houses;
- (f) for the holding of fairs and industrial exhibitions within the municipality or under the control of the committee, and for fixing fees to be levied thereat;
- (g) for controlling and regulating the use and management of burial and burning

- (i) where the collection of an octroi-tax has been sanctioned, for fixing octroi-limits for the purpose of collecting that tax;
- (j) as to the exhibition of tables of octroi-tax, as to the system under which refunds are to be made on account of that tax when the animals or goods on which the tax has been paid are again exported, and as to the custody or storage of animals or goods declared not to be intended for use or consumption within the municipality into which they are brought;
- (k) as to the exhibition of tables showing the rates of tolls charged on vehicles and animals entering the municipality;
- (l) as to the assessment and collection of any tax imposed under this Act and the fees payable in respect of notices of demand;
- (m) as to the appointment by owners of buildings and lands in the municipality, who are absent from the municipality, of persons residing within or near the municipality to act as their agents for all or any of the purposes of this Act or any rule thereunder, and
- (n) generally, for carrying out the purpose of this Act.

Provided that the committee of a municipality in which the Hackney Carriage Act, 1879, is in force shall not make rules under clause (a) or clause (b) in respect of any vehicles to which that Act applies.

(2) Rules under clause (j) of sub-section (1) may, among other matters, provide that no refund of octroi-tax shall be made when the refund claimable would be less than one rupee.

(3) When a cantonment authority, with the sanction of the Governor General in Council, has agreed with the committee of an adjoining municipality that the same octroi-limits shall be established for the cantonment and the municipality, and that octroi collections and charges shall be divided between the cantonment fund and the municipal fund, the committee may fix limits under clause (i) of sub-section (1) so as to include so much both of the cantonment and of the municipal area as it may deem necessary, and shall have the same powers of collecting octroi on animals or goods brought within such limits, and the provisions of this Act relating to octroi shall apply in the same way, as if the said limits were wholly comprised in the area of the municipality.

145. The committee of a municipality wholly or in part situated in a hilly tract may, from time to time, at a special meeting, make rules—

- (a) for regulating or prohibiting the cutting or destroying of trees or shrubs, or the making of excavations or removal of soil or quarrying, where such regulation or prohibition appears to the committee to be necessary for the maintenance of a water-supply, the preservation of the

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- (b) for the regulation or prohibition of any description of traffic in the streets where such regulation or prohibition appears to the committee to be necessary for the prevention of danger or grave inconvenience to the public;
- (c) for requiring owners of houses to provide cisterns for the preservation of rain-water;
- (d) for rendering licenses necessary for using premises within the bazars of a municipality as stables or cow-houses;
- (e) for rendering licenses necessary within the municipality—
 - for persons working as casual porters for the conveyance of goods,
 - for animals or carriages let out on hire for a day or part thereof, and
 - for persons impelling or carrying such carriages,
- (f) for fixing the fees payable for such licenses as are referred to in this section, and the conditions on which such licenses are to be granted and may be revoked; and
- (g) for regulating the charges to be made for the services of such casual porters as aforesaid, and for the hire of such animals or carriages, and for the remuneration of persons who impel or carry such carriages.

146. (1) In making any rule under any section of this Chapter the committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues.

(2) In lieu of or in addition to such fine, the Magistrate may require the offender to remedy the mischief so far as within his power.

147. (1) No rule made under any section of this Chapter shall come into force until it has been confirmed by the Local Government and published for such time and in such manner as the Local Government may prescribe in this behalf.

(2) The Local Government may cancel its confirmation of any such rule, and thereupon the rule shall cease to have effect.

Supplemental.

148. (1) When any notice under this Chapter requires any act to be done for which no time is fixed by this Act, it shall fix a reasonable time for doing the same.

(2) When the owner or occupier of any land or building fails to comply with the terms of any notice under this Chapter requiring him to do any act upon that land or building, the committee may, after six hours' notice, by its officers, cause the act to be done.

makes default in complying with the requirement, and the committee executes the work, the committee may recover the cost of the work from the person in default.

(3) If the person in default is the owner, the committee may, by way of additional remedy, recover the whole or any part of the cost from the occupier, and in such case the occupier may deduct any sum paid by him under this sub-section from the rent from time to time becoming due from him to the owner of the property in respect of which the payment is made, or otherwise recover it from the owner:

(4) Provided that an occupier shall not be required to pay, under the last sub-section, any sum greater than the amount of rent which is for the time being due from him to the owner, or which, after demand for payment of the money payable by him to the committee and notice not to pay rent without first deducting the amount so demanded, becomes payable by him to the owner, unless he refuses on application to him by the committee truly to disclose the amount of his rent and the name and address of the person to whom it is payable; but the burden of proof that the sum so demanded by the committee from the occupier exceeds the rent due at the time of the demand, or which has since accrued due, shall lie on the occupier.

(5) All money recoverable by a committee under this section may be recovered either by suit, or on application to a Magistrate having jurisdiction within the municipality by distress and sale of the moveable property of the person from whom the money is recoverable, and if payable by the owner of property shall, until it is paid, be a charge on the property.

(6) Nothing in this section shall affect any contract between an owner and an occupier.

150. (1) The committee may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the committee, its officers and servants, under this Act, and shall make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

(2) If any dispute arises touching the amount of any compensation which the committee is required by this Act to pay for injury to any building or land, it shall be settled in such manner as the parties may agree, or, in default of agreement, in the manner provided by the Land Acquisition Act, 1870, sections 3, 8 to X of 1870, 42, 51 to 53, and 56 to 59, so far as they can be made applicable.

Appeals from orders of committee. 151. (1) Any person aggrieved—

- (a) by the prohibition by a committee under section 92 of the erection or re-erection of a building, or
- (b) by a notice from a committee under sub-section (4) of section 92 or sub-section (2) of section 93 requiring the altera-

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Sections 152-163.)*

may appeal within thirty days from the date of such prohibition, notice or order to the Commissioner if the committee is a committee of a first class municipality, or to the District Magistrate, or such other officer as the Local Government may appoint in this behalf, if the committee is a committee of a second class municipality; and no such prohibition, notice or order shall be liable to be called in question otherwise than by such appeal:

Provided that, if, in the latter case the District Magistrate or such other officer as aforesaid is himself a member of the committee, the appeal shall lie to the Commissioner.

(2) The appellate authority may for sufficient cause extend the period allowed by sub-section (1) for appeal.

(3) The order of the appellate authority confirming, setting aside or modifying the prohibition, notice or order appealed from shall be final:

Provided that the prohibition, notice or order shall not be modified or set aside until the appellant and the committee have had reasonable opportunity of being heard.

CHAPTER VII.

OFFENCES AFFECTING THE PUBLIC HEALTH,
SAFETY OR CONVENIENCE.

152. Whoever, without the permission of the committee or in disregard of its orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit, earth or materials of any description, or refuse, rubbish or offensive matter of any kind, upon any street or place, or into any public sewer or drain or any drain communicating therewith, shall be punishable with fine which may extend to twenty rupees.

153. Whoever, without the permission of the committee, causes or allows the water of any sink, sewer or cesspool, or any other offensive matter, to flow, drain or be put upon any street or place, or into any sewer or drain not set apart for the purpose, shall be punishable with fine which may extend to twenty rupees.

154. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil or filth or any noxious or offensive matter in or upon such building or land, or suffers any such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall be punishable with fine which may extend to fifty rupees.

155. Whoever, without the permission of the committee, makes or causes drains without auth-

156. Whoever makes without the permission of the committee, or keeps or keeping latrines, &c., for a longer time than one week after notice under water-supply.

Penalty for making of the committee, or keeps or keeping latrines, &c., for a longer time than one week after notice under water-supply. section 125, any drain, latrine, urinal, cesspool or other receptacle for filth or refuse within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, shall be punishable with fine which may extend to twenty rupees, and, when a notice has issued, with a further fine not exceeding five rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

157. Whoever keeps any swine in disregard of any orders which the committee may give to prevent them from becoming a nuisance, or keeps any

other animals so as to be injurious to the health of human beings or of animals or so as to become a nuisance, shall be punishable with fine which may extend to twenty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

158. Whoever feeds or allows to be fed any animal which is kept for dairy purposes or may be used for food on deleterious substances, filth or refuse of any kind, shall be punishable with fine which may extend to fifty rupees.

159. Whoever drives any vehicle after dark in any street at more than a walking pace, unless the vehicle is properly supplied with lights or there is sufficient moonlight to render lights unnecessary, shall be punishable with fine which may extend to twenty rupees.

160. Whoever discharges fire-arms or lets off fire-works or fire-balloons, or engages in any game, in such a manner as to cause or be likely to cause danger to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property, shall be punishable with fine which may extend to twenty rupees.

161. Whoever, being an elephant-driver or camel-driver, omits or being requested to do so to remove his elephant or camel to a safe distance on the approach of a horse, whether ridden or driven, shall be punishable with fine which may extend to twenty rupees.

162. Whoever, contrary to any orders of the committee, takes an elephant along a street shall be punishable with fine which may extend to twenty rupees.

163. Whoever, being the owner or person in charge of any dog which is at large.

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(*Chapter VII.—Offences affecting the Public Health, Safety or Convenience.—Sections 164-170. Chapter VIII.—Extinction and Prevention of Fire.—Sections 171-174.*)

164. Whoever, without the permission of the Altering, obstructing committee, alters, obstructs or encroaching upon or encroaches upon any streets, street, sewer, drain or water-course, or displaces, takes up or alters the pavement or other materials or the fences or posts of any street, or deposits building-materials or makes any hole or excavation on or in any street, or removes material from beneath any street so as to occasion risk of surface subsidence, shall be punishable with fine which may extend to fifty rupees.

165. Whoever quarries, blasts, cuts timber or Quarrying, blasting, carries on building-operating timber or build. tions in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, shall be punishable with fine which may extend to fifty rupees.

166. Whoever, contrary to the orders of the committee, picks animals Picketing animals and collects carts on any collecting carts public ground, or uses any such ground as a halting-place for vehicles or animals of any description or as a place of encampment, or causes or permits animals to stray, shall be punishable with fine which may extend to twenty rupees.

167. Whoever carries a corpse along a route Carrying corpses by prohibited by the prohibited routes or so as to cause annoyance. likely to cause annoyance to the public, shall be punishable with fine which may extend to ten rupees.

168. Whoever, without being authorised by Destroying direction. the committee, defaces or posts, lamp-posts, &c. disturbs any direction-post or lamp-post, or extinguishes any light in any public place, shall be punishable with fine which may extend to ten rupees.

169. Whoever disobeys any lawful directions given by the committee by Penalty for disobedience of orders of committee under last Chapter. public notice under the powers conferred upon it by the last foregoing Chapter, or any written notice lawfully issued by it under the powers so conferred, or fails to comply with the conditions subject to which any permission was given by the committee to him under those powers, shall, if the disobedience or omission is not an offence punishable under any other section, be punishable with fine which may extend to fifty rupees, and, in the case of a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues:

Provided that, when the notice fixes a time within which a certain act is to be done and no time is specified in this Act, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Act.

when the Magistrate learns that an appeal has been instituted pending the decision of the appeal, and, if the order is set aside on appeal, disobedience thereto shall not be deemed an offence against those sections.

CHAPTER VIII.**EXTINCTION AND PREVENTION OF FIRE.**

171. For the prevention and extinction of Establishment and fire the committee may maintenance of fire establish and maintain a fire-brigade and may provide any implements, machinery or means of communicating intelligence which the committee may think necessary for the efficient discharge of their duties by the brigade.

172. (1) On the occasion of a fire in a municipality any Magistrate, and other persons for any member of the committee, any member of a fire-brigade maintained by the committee then and there directing the operations of men belonging to the brigade, and (if directed so to do by a Magistrate or by a member of the committee) any Police-officer above the rank of constable may—

- (a) remove or order the removal of any persons who by their presence interfere with or impede the operations for extinguishing the fire or for saving life or property and may close any street or passage in or near which any fire is burning;
- (b) by himself or those acting under his orders break into or through, or pull down, or use for the passage of hoses or other appliances, any premises for the purpose of extinguishing the fire;
- (c) cause mains and pipes to be shut off so as to give greater pressure of water in the place where the fire has occurred;
- (d) call on the persons in charge of any fire-engine to render such assistance as may be possible; and,
- (e) generally, take such measures as may appear necessary for the preservation of life and property.

(2) No person shall be liable to pay damages for any act done by him under sub-section (1) if the act is done in good faith.

(3) Any damage done in the exercise of a power conferred or a duty imposed by this section shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

173. The powers conferred by the last foregoing section shall be subject to any regulations, conditions or restrictions which may be imposed by the Local Government by rule under section 183.

174. No portion of this Chapter shall take

*The Punjab Municipal Bill, 1891.**(Chapter IX.—Control.—Sections 175-181.)***CHAPTER IX.****CONTROL.**

175. (1) The Commissioner of the division or Control by Commis. the *District Magistrate* sioner and *District* may—
Magistrate.

- (a) enter on, inspect and survey, or cause to be entered on, inspected and surveyed, any immoveable property within the limits of the division or district respectively occupied by any committee or joint committee, or any work in progress within those limits under its directions;
- (b) by order in writing call for and inspect any book or document in the possession or under the control of any committee or joint committee having authority within the said limits;
- (c) by order in writing require any such committee or joint committee to furnish such statements, accounts, reports and copies of documents relating to the proceedings or duties of the committee as he may think fit to call for; and
- (d) record in writing, for the consideration of any such committee or joint committee, any observations he may think proper in regard to the proceedings or duties of the committee.

(2) Every committee shall submit such periodical reports to the *District Magistrate* or other authority as the Local Government may direct.

176. The Commissioner of the division or the *District Magistrate* may, Power to suspend by order in writing, suspend, within the division or district respectively, the execution of any resolution or order of a committee or joint committee, or prohibit the doing of any act within the said limits which is about to be done, or is being done, in pursuance of or under cover of this Act, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a breach of the peace, or to cause injury or annoyance to the public or to any class or body of persons.

177. (1) In cases of emergency the *District Magistrate* may provide Extraordinary powers for the execution of any work, or the doing of any act, which a committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or of doing the act shall be forthwith paid by the committee.

(2) If the expense is not so paid, the *District Magistrate* may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is, from time to time, possible from that balance, in priority to all other charges against the same.

178. (1) When the Commissioner, after due

upon it by or under this Act, he may, by an order in writing, fix a period for the performance of that duty; and, if it is not performed within the period so fixed, he may appoint some person to perform it, and may direct that the expense of performing it shall be paid, within such time as he may fix, by the committee to that person.

(2) If the expense is not so paid, the Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is, from time to time, possible, from that balance, in priority to all other charges against the same.

(3) The *District Magistrate* shall have the same powers with respect to committees of the second class as are by this section conferred upon the Commissioner with respect to committees of the first class.

179. When the *District Magistrate* makes Action of Dist. Magistrate on Comm. 175, section 177 or section 176 or section 178, he shall forthwith forward to the Local Government through the Commissioner, and, when the Commissioner makes any order under section 176 or section 178, he shall forthwith forward to the Local Government, a copy thereof, with a statement of the reasons for making it, and with such explanation if any, as the committee may wish to offer; and the Local Government may thereupon confirm, modify or rescind the order.

180. (1) The Local Government, and the Power of Local Gov. Commissioners and District Magistrates acting under the orders of the Local Government, shall be bound to require that the proceedings of committees shall be in conformity with law and with the rules in force under any enactment for the time being applicable to the Punjab generally or to the areas over which the committees have authority.

(2) The Local Government may exercise all powers necessary for the performance of this duty, and may, among other things, by order in writing, annul or modify any proceeding which it considers not to be in conformity with law or with the rules in force under any enactment for the time being applicable to the Punjab generally or to the areas affected by the proceeding, or with the declared policy of the Governor General in Council or of the Local Government.

(3) The Commissioner of the division and the *District Magistrate* may, within their jurisdiction for the same purpose, exercise such powers as may be conferred upon them by rule made in this behalf by the Local Government.

181. (1) If a committee is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this or any other Act, or exceeds or abuses its

*The Punjab Municipal Bill, 1891.**(Chapter IV.—Control.—Sections 182-183)*

Provided that, in case of public emergency, such notification may be issued without the previous approval of the Governor General in Council, but shall be forthwith reported to the Governor General in Council and shall be subject to his orders.

(2) When a committee is so superseded, the following consequences shall ensue:—

- (a) all members of the committee shall, from the date of the notification, vacate their offices as such members;
- (b) all powers and duties of the committee may, until the committee is reconstituted, be exercised and performed by such person as the Local Government appoints in that behalf;
- (c) all property vested in the committee shall, until the committee is reconstituted, vest in Her Majesty.

(3) The Local Government shall, as soon as, in its judgment, conveniently may be, constitute another committee in the place of any committee superseded under this section.

182. (1) If any dispute, for the decision of which this Act does not otherwise provide, arises between two or more committees constituted under this Act, or between any such committee and a district board or cantonment authority, the matter shall be referred—

- (a) to the *District Magistrate*, if the local authorities concerned are in the same district;
- (b) to the Commissioner or Commissioners of the division or divisions, if the local authorities concerned are in different districts; and
- (c) to the Local Government, if the local authorities concerned are in different divisions and the Commissioners of those divisions cannot agree.

(2) The decision of the authority to which any dispute is referred under this section shall be final.

(3) If, in the case mentioned in clause (a), the *District Magistrate* is a member of one of the committees or boards concerned, his functions under the section shall be discharged by the Commissioner.

183. (1) The Local Government may frame forms for any proceeding of a committee for which it considers that a form should be provided, and make rules consistent with this Act—

- (a) with respect to the powers and duties of committees in municipalities of the first and of the second class, respectively;
- (b) as to the division of the municipality into wards, or of the inhabitants into classes, or both;
- (c) as to the number of representatives proper for each ward or class;

- (1) as to the nomination of candidates, the time of election and the mode of recording votes;
- (g) generally for regulating all elections under this Act;
- (h) fixing the term of office of members and presidents of committees;
- (i) prescribing the qualifications requisite in the case of persons appointed by a committee to offices requiring professional skill;
- (j) as to the priority to be given to the several duties of the committee;
- (k) as to the authority on which money may be paid from the municipal fund;
- (l) as to the appointment, promotion, suspension, reduction, fining and dismissal of municipal watchmen;
- (m) as to the formation and working of municipal fire-brigades;
- (n) as to the procedure to be observed for the punishment or dismissal of servants of the committee;
- (o) as to the conditions on which property vested in the committee may be transferred by sale, mortgage, lease, exchange or otherwise;
- (p) as to the intermediate office or offices, if any, through which correspondence between committees or members of committees and the Local Government or officers of that Government shall pass;
- (q) as to the preparation of plans and estimates for works to be partly or wholly constructed at the expense of committees, and as to the person by whom, and the conditions subject to which, such plans and estimates are to be sanctioned;
- (r) as to the accounts to be kept by committees, as to the conditions on which such accounts are to be open to inspection by inhabitants paying any tax under this Act, as to the manner in which such accounts are to be audited and published, and as to the power of the auditors in respect of disallowance and surcharge;
- (s) as to the preparation of estimates of income and expenditure of committees, and as to the person by whom, and the conditions subject to which, such estimates may be sanctioned;
- (t) as to the returns, statements and reports to be submitted by committees;
- (u) as to the powers to be exercised by Commissioners and *District Magistrates* under section 180;
- (v) as to the language in which business shall be transacted, proceedings recorded and notices issued;
- (w) as to the publication of notices; and,
- (x) generally, for the guidance of committees and public officers in carrying out the purposes of this Act.

(2) Rules under clause (g) of sub-section (1) may, among other matters, provide—

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(Chapter IX.—Control.—Section 184. Chapter X.—Supplemental.—Sections 185-190.)

- (ii) for making void the election of any person proved to the satisfaction of the Local Government or of the Commissioner, as the municipality may be of the first or of the second class, to have been guilty of corruption or intimidation or to have connived at or abetted the exercise of corruption or intimidation on his behalf by any other person;
- (iii) for rendering incapable of municipal office either permanently or for a term of years any person whose election may have been made void, as aforesaid for corruption or intimidation or for connivance at or abetment of the same; and
- (iv) for the definition of the practices at municipal elections which are to be deemed to be corrupt or to amount to intimidation.

184. In all matters connected with this Act the Local Government shall have and exercise over Commissioners and District Magistrates, and Commissioners shall have and exercise over District Magistrates, the same authority and control as they respectively have and exercise over them in the general and revenue administration.

CHAPTER X.
SUPPLEMENTAL.

Prosecutions.

185. A Court shall not take cognizance of an offence punishable under this Act or any rule thereunder except on the complaint of the committee or of some person authorised by the committee in this behalf.

Explanation.—The committee may authorise persons to prosecute either generally in regard to all offences against this Act and the rules thereunder or particularly in regard only to specified offences or offences of a specified class. The person authorised may be authorised by office if he is president, vice-president or secretary of the committee. In other cases the authority must be personal. The authority must in all cases be in writing and may at any time be cancelled by the committee.

186. (1) In any municipality of the first class the Local Government may empower any member or officer of the committee, by name or by office, to accept from any person against whom a reasonable suspicion exists that he has committed an offence against this Act or any rule thereunder a sum of money by way of composition for such offence.

(2) On payment of such sum of money the suspected person if in custody shall be discharged, and no further proceedings under this Act or any rule thereunder or under any other law shall be taken against him in regard to the offence alleged and compounded;

(4) Power under sub-section (1) to accept composition for alleged offences may be given either generally in regard to all offences under this Act and the rules thereunder or particularly in regard only to specified offences or offences of a specified class.

(5) The Local Government may make rules to regulate the proceedings of persons empowered to accept composition under this section for alleged offences.

187. A Judge or Magistrate shall not be deemed to be a party to, or personally interested in, a prosecution for an offence punishable under this Act or any rule thereunder, or under any other law, merely because he is a member of the committee by the order, or under the delegated authority, of which it has been instituted.

X of 1882.

Rules.

188. (1) The authority empowered to make rules under any section of Chapter VI or under section 183 shall, before making them, publish, in such manner as may, in its opinion, be sufficient for giving information to persons interested, a draft of the proposed rules with a notice specifying a date at or after which the draft will be taken into consideration; and shall, before making the rules, receive and consider any objection or any suggestion which may be made by any person with respect to the draft before the date so specified.

(2) If, on such consideration of the draft, any modification is made, the Local Government shall determine whether it is desirable to republish the draft under this section.

(3) Every rule made under any of the said sections shall be notified in English, and in such other language or languages as the Local Government may direct; and such notification shall be conclusive evidence that the rule has been made as is required by this section.

189. (1) A copy of all rules made under this Act shall be kept at the committee's office, and shall be open during office-hours without charge to the inspection of any inhabitant.

(2) Copies of all such rules shall be kept at the committee's office for sale to the public at a price not exceeding one rupee.

Notices.

190. (1) Every notice issued by a committee under this Act or under any rule thereunder shall be in writing, and shall be sufficiently authenticated by the signature of the president, vice-president, secretary or assistant secretary, and may be served on the person to whom it is addressed, or left at his usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so served, may be posted on some conspicuous part of his place of abode or business.

*The Punjab Municipal Bill, 1891.**(Chapter X.—Supplemental.—Sections 191-198.)*

which the Commissioner may permit to be so authenticated.

(2) If the place of abode or business of the person to whom the notice is addressed is not within the limits of the municipality, the notice may be served by posting it in a registered cover addressed to his usual place of abode.

(3) If the place of abode or business of the owner of any property is not known, every such notice addressed to him as such owner may be served on the occupier.

(4) If the place of abode or business of the occupier of any property is not known, every such notice addressed to him as such occupier may be served by posting it on some conspicuous part of the property.

(5) No notice issued by the committee under this Act or under any rule thereunder shall be invalid for defect of form.

191. When any notice is under the provisions of this Act to be given to the owner or occupier of any property, and he is unknown, it may be given or served—

(a) by delivering a written notice to some person on the property, or, if there is no person on the property to whom it can be delivered, by fixing it on some conspicuous part of the property; or

(b) by putting into the post a prepaid letter containing a written notice, and addressed by the description of the "owner" or "occupier" of the property (naming it) in respect of which the notice is given, without further name or description.

192. Every public notice given by a committee under this Act or under any rule made thereunder shall be published by proclamation or in such other manner as the Local Government may, by rule, direct.

Alteration of Boundaries and Class of Municipality.

193. The Local Government may, by notification published in the official Gazette, and in such other manner as it may determine, declare its intention—

(a) to exclude from a municipality any local area comprised therein and defined in the notification; or

(b) to include within a municipality any local area in the vicinity of the same and defined in the notification:

Provided that, where the local area is a military cantonment or part of a military cantonment, a notification shall not be published under this section in respect of it without the previous consent of the Governor General in Council.

194. (1) Any inhabitant of a municipality or local area in respect of which a notification has

District Magistrate to the Local Government within six weeks from the publication of the notification in the Gazette; and the Local Government shall take his objection into consideration.

(2) When six weeks from the publication of the notification have expired, and the Local Government has considered the objections (if any) which have been submitted under sub-section (1), the Local Government may, by notification, exclude the local area from the municipality or include it therein, as the case may be.

195. (1) When a local area is excluded from a municipality under section 194.—

(a) this Act, and all rules, orders, directions and powers made, issued or conferred under this Act shall cease to apply thereto; and

(b) the Local Government shall, after consulting the committee, frame a scheme determining what portion of the balance of the municipal fund and other property vested in the committee shall vest in Her Majesty for the benefit of the local area, and in what manner the liabilities of the committee shall be apportioned between the committee and the Secretary of State for India in Council; and, on the scheme being notified, the property and liabilities shall vest and be apportioned accordingly.

(2) All property vested in Her Majesty under sub-section (1) shall be applied under the orders of the Local Government to discharging the liabilities imposed on the Secretary of State for India in Council under that sub-section, or for the promotion of the safety, health, welfare or convenience of the inhabitants of the local area.

196. When a local area is included in a municipality under section 194.—

Effect of including this Act, and, except as local area in municipality. the Local Government may otherwise by notification direct, all rules, orders, directions and powers made, issued or conferred under this Act and in force throughout the whole municipality at the time the local area is so included, shall apply to the local area.

197. The Local Government may, after consulting the committee, direct, by notification, that any municipality be transferred from one class to another.

Powers to except and withdraw Municipalities from provisions of Act.

198. (1) If the circumstances of any municipality are such that, in the opinion of the Local Government, any of the provisions of this Act are unsuited thereto, the Local Government may, by notification, except the municipality from the operation of those provisions; and thereupon those provisions shall not apply to the municip-

*The Punjab Municipal Bill, 1891.**(Chapter X.—Supplemental.—Sections 199-208)*

guidance of the committee and public officers in respect of the matters excepted from the operation of the said provisions.

199. (1) The Local Government may, by notification, withdraw the power to withdraw local area comprised in municipal limits of any municipality constituted under this Act from operation of the same.

(2) When a notification is issued under this section in respect of any local area, this Act, and all rules, regulations, bye-laws, orders, directions and powers made, issued or contrived under this Act, shall cease to apply to the local area, the balance of the municipal fund, and all other property which at the time of the issue of the notification is vested in the municipal committee, shall vest in Her Majesty, and the liabilities of the committee shall be transferred to the Secretary of State for India in Council.

(3) All property vested in Her Majesty under sub-section (1) shall be paid and a sum ordered by the Local Government shall be paid to the liabilities imposed on the Secretary of State for India in Council by that sub-section, or for the payment of the cost of health, welfare, education and of the inhabitant of the local area.

Miscellany

200. Any arrears of any tax or fee or any recovery of taxes, a committee and taxes, Act may be recovered, on application to a Magistrate having jurisdiction within the limits of the municipality, by the distress and sale of any movable property within those limits belonging to the person from whom the money is claimable.

201. When any building used as a human dwelling is entered under Precautions to be observed in entering this Act, due regard shall be paid to the social and religious sentiments of the occupant, and, before any apartment in the actual occupancy of any woman, who according to custom does not appear in public, is entered under this Act, notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

202. (1) In the absence of a written contract Obligation of master to the contrary notwithstanding, any servant employed by a committee in charge of their duties shall be entitled to fifteen days' notice before discharge or to fifteen days' wages in lieu thereof, unless he is discharged for misconduct or unless he was engaged for a specified term and discharged at the end of it.

(2) If, without reasonable cause, a servant employed by a committee resigns or absents himself from his duties without giving fifteen days' notice to the committee, or if he neglects or refuses to perform his duties, he shall be liable to imprisonment which may extend to two months.

(3) The Local Government may, by notification, direct that, on and from a date to be specified in the notification, the provisions of sub-section (1) and (2) with respect to servants

203. (1) On the complaint of three or more inhabitants of a municipality that a house in their immediate neighbourhood and within the limits of the municipality is used as a common brothel or lodging-house for prostitutes or disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, and is a nuisance of the first class being as such, jurisdiction in the place where the house is situated may summon the owner or tenant of the house to answer the complaint and, on being satisfied that the house is so used, and is therefore a source of annoyance and offence to the vicinity, may order the owner or tenant to discontinue such use of it, and, if he shall fail to comply with such order within five days may impose on him a fine to the extent of forty-eight rupees for every day thereafter that the house shall be so used.

(2) This section shall take effect in a municipality after it has been substantially extended or by the Local Government at the request of the committee.

204. (1) When a person, by reason of his holding and movable property as agent or trustee, or of his being in receipt of the rent of the property, or who would receive the rent if the property were let to a tenant would, under this Act, be bound to discharge an obligation imposed by the Act on the owner of the property and for the discharge of which money is required, he shall not be bound to discharge the obligation until such money is paid to him by his agent or by the owner of the property belonging to the owner sufficient for the purpose.

(2) The burden of proving the facts entitling an agent or trustee to relief under this section shall lie on him.

205. If any question arises whether a person described as a person of specified class or are an inhabitant or inhabitants of a local area within the meaning of this Act, the decision thereon of the Commissioner of the division shall be conclusive.

206. Nothing in this Act shall affect the Local Authorities Loans Act, XI of 1879.

Simla Land Tax.

WHEREAS there is at present levied on certain lands situate in the municipality of Simla a tax at the rate of ten rupees per two thousand five hundred square yards or fraction of two thousand five hundred square yards, it is hereby enacted as follows.—

207. The said tax shall be deemed to be a Simla land-tax lawfully imposed and assessed under this Act and leviable in addition to any other tax leviable hereunder.

Simla House and Frontage Taxes.

208. The house and frontage taxes which Simla house and have been levied in the frontage taxes in the municipality of Simla

The Punjab Municipal Bill, 1891

(Chapter XI—Small Towns—Sections 209-213—Schedule)

CII 1PTER XI.

SMALL TOWNS

209. (1) The Local Government may, by notification, declare that, with respect to some or all of the matters upon which the municipal fund of a municipality may be expended under section 72 improved arrangements are required within a specified area, which, nevertheless, it is not expedient to constitute as a municipality.

(2) An area in regard to which a notification has been issued under sub-section (1) is hereinafter called a notified area.

(3) No area shall be made a notified area if it contains more than seven thousand inhabitants according to the return of the most recent official census, or unless it contains a town and is not a purely agricultural village.

Power of Local Government to impose taxation and regulate expenditure of proceeds thereof

210. (1) The Local Government may—

(a) impose in any notified area any tax which could be imposed there by a municipal committee of the notified area were a municipality,

(b) apply or adapt to the notified area, for the assessment and recovery of any tax imposed under clause (a), any of the provision of this Act, or of any rules for the time being in force thereunder, with respect to the assessment and recovery of any tax imposed under this Act,

(c) arrange for the due expenditure of the proceeds of taxes imposed under clause (a), and for the preparation and maintenance of proper accounts,

(d) appoint a committee of one or more persons for the purpose of cleansing (b) and (c),

(e) extend to any notified area the provisions of any section of this Act subject to such restrictions and modifications, if any, as the Local Government thinks fit.

(2) The proceeds of any tax levied in any notified area under this section shall be expended only as the municipal fund of such notified area if it be expended in the notified area as a municipality.

211. In regard to any section of this Act which may be extended to a notified area the committee appointed for such area under clause (d) of section 210, sub-section (1), shall be deemed to be a municipal committee under this Act and the area to be a municipality.

212. The Local Government may at any time cancel any notification issued under section 209.

213. If by reason of any order of cancellation of area ceasing to be notified any notified area ceases to be notified, the unexpended proceeds of any taxes levied therein under section 210 shall be applied for the benefit of the inhabitants of the area as the Local Government may think fit.

SCHEDULE.

(List of places referred to in section 42)

SIMLA. . . . DALHOUSIE. .

DHARANSALA. . . . MURREE.

STATEMENT OF OBJECTS AND REASONS

THE Punjab Municipal Act, XIII of 1884, has been found by experience to be in some respects inconvenient and defective. The procedure required by it is sometimes excessively elaborate in regard to the smaller municipalities, while in some cases (more especially in the hill municipalities) the Act gives no powers with respect to certain matters of building, social convenience and sanitation which stand in need of proper regulation.

2. His Honour the Lieutenant-Governor of the Punjab considers therefore that the Act should be amended, and further that the amendments should, for the convenience as well of persons having to administer, as of persons interested in the administration of, municipalities in the Punjab, be incorporated in a Bill consolidating the proposed new law with the old.

The Governor General in Council concurs with His Honour, and this Bill has been prepared accordingly, new or altered matter being printed in italics.

3. Section 5.—The condition imposed by section 5 of the Act of 1884, that a committee must not consist of less than six members, is unnecessary, and has proved inconvenient in small places like Kalka. Even in large places small committees may occasionally be necessary.

4. Sections 7, 8 and 9.—The main object of these sections is to secure the prompt introduction of changes from appointment to election and vice versa when such changes seem to the Local Government to be desirable.

5. *Section 16.*—The sub-section, added to this section are intended to avoid needless trouble. At present an *ex officio* president or vice-president has to be elected or appointed again and again as often as the incumbent of the office changes.

6. *Sections 19, 20 and 50.*—The main object of the alterations in these sections is to decentralize some of the minor apparatus of municipal administration so as to prevent unnecessary references to the Local Government.

7. *Sections 43 and 111-119.*—Section 43 taken with sections 111 to 119 (both inclusive) are intended to regulate the municipal scavenging of private dwellings, and replace section 40 and 101 of the present Act. The law as it now stands has been found to be unworkable. It involves repeated negotiations with a succession of individual occupiers, and any arrangement made by the committee can at any time be discontinued by private dissent. Moreover, the phrase "duties usually performed by sweepers" is of very vague and uncertain import. It might very well be held to include duties of a domestic and private nature which the municipal committee could not possibly undertake. And, if this were held to be the case, the present law on that ground alone would become ineffectual. The new proposals limit municipal scavenging to what is practically possible and provide for the committee undertaking it without being compelled to pursue individual dissent, though not without being compelled to consider possible individual grievances. Attempts are also made to provide adequate safeguards for agriculturists wishing to secure their own manure, and for the caste or customary rights by which guilds of sweepers in some towns claim the exclusive right of scavenging the houses of particular quarters. These rights are very inconvenient obstacles in the way of proper sanitation, but the new proposal will nevertheless protect them so long as the conciliative duties, etc. adequately discharged.

8. *Section 45.*—Sub-section (8) of this section is intended to make section 42 of the present Act more generally convenient. It has been found that the year mentioned in that section must begin on the 1st of January. The amendment of section 58 is a corollary of section 45, sub-section (8).

9. *Sections 52 and 53.*—The additions to these sections are intended to remedy grievances which have been complained of by taxpayers in Simla. Similarly, section 61 (with which should be read sub-section (2) of section 50) is intended to remedy ascertainable defects in the procedure as to remissions in whole or in part of assessed taxation.

10. *Sections 69 and 70.*—The sections supply what is believed to be an omission in the present Act as to punishment for certain frauds. It also compels inhabitants of a municipality to furnish necessary information as to taxable liability. The want of this power in the present Act has been seriously complained of in Delhi.

11. *Section 72.*—The addition to clause (4) of sub-section (2) is intended to provide for expenditure out of the municipal fund on such objects as an Imperial census or the celebration of a Jubilee or other like object.

12. *Section 73.*—This section provides for the payment of a municipal president. A paid president is to be appointed for Simla.

13. *Section 76.*—Clause (d), as amended, will give to the committee the property in refuse deposited in municipal receptacles. Any other arrangement is manifestly impossible, but the want of an express legal provision recently led to the abandonment of a reformed system of conservancy in one of the towns of the Province.

14. *Section 92.*—This section re-enacts section 88 of the present Act with some important changes. In the first place, no compensation is to be given for prohibiting the erection of new buildings. At present compensation is payable, and the power to prohibit is therefore nugatory. At the same time, however, section 151 of the Bill gives an appeal against prohibition of erection. In the second place, the law as it at present stands compels the committee to take action within one month of receipt of notice of intention to build. But it prescribes no time for the submission to the committee of the plan of the buildings and prescribes no conditions which the plan must fulfil. It is therefore comparatively easy to evade the committee's jurisdiction under this section. The new proposals practically require the notice to be accompanied by the plan and allow the committee, with the sanction of the Local Government, to prescribe what the plan shall contain.

15. *Sections 93, 104 and 105.*—These are new proposals intended principally to provide safeguards in the bazaars of hill municipalities which are peculiarly exposed to risks from fire. Section 105, however, will be of general application.

16. *Section 100.*—This section is intended to provide for the proper disposal of dead animals.

17. *Section 120.*—This section is the corollary of and sanction for section 105.

18. *Section 137.*—This section was framed in consequence of representations from Simla. It is a new proposal, and is principally intended to give power to regulate the trade

in food so far as may be necessary in any case to secure its cleanly preparation, and to exclude from certain thoroughfares offensive shops, such as those of butchers or spirit-sellers. The section is mainly, though not exclusively, intended for use in hill municipalities.

19. *Sections 138-143*.—These are new proposals to diminish danger from mad dogs and from infectious diseases. They are adapted from the City of Bombay Municipal Act, 1888.

20. *Section 145*.—This section is new, and in some respects follows the principle of the Darjeeling Act, V of 1883 (B.C.), for the regulation of hired coolies and vehicles in a hill municipality.

21. *Sections 146, 147, 151 and 170*.—Sections 146 and 147 are required in consequence of the extended power of rule-making given to committees by the Bill. Similarly, as the Bill gives larger powers to committees, a somewhat larger power of appeal against their decisions is given by sections 151 and 170.

22. *Sections 171-174*.—These sections provide for the establishment and working of fire-brigades.

23. *Section 183*.—A sub-section has been added giving to the Local Government in more express terms a power to deal generally with corrupt practices or intimidation at municipal elections.

24. *Sections 185 and 186*.—Section 185 is intended to enable the committee to institute prosecutions by an easier process than that of the present law, which in many cases is practically unworkable. Similarly, section 186 is intended to make ordinary sanitary police more effective.

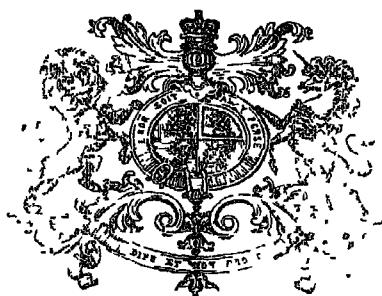
25. *Section 202*.—This section is an adaptation of the provisions of laws passed by the Bombay and Bengal Councils for the prevention of a sweeper strike.

26. Lastly, sections 209 to 213 (both inclusive) are intended to provide for such sanitary and other measures as may be possible in small towns which are not fit to be treated as municipalities, but in which improved arrangements are often extremely desirable. Kalka is an excellent instance of one such place.

The 6th August, 1891.

PHIL. P. HUTCHINS.

S. HARVEY JAMES,
Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY

SIMLA, SATURDAY, AUGUST 22, 1891.

To Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced in the Council of the Governor General of India for making Laws and Regulations, or Reports of Select Committees presented to the Council.

GOVERNMENT OF INDIA LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 20th August 1891, and was referred to a Select Committee.

NO. 13 OF 1891.

A Bill to amend the Lower Burma Municipal Act, 1884.

WHILST it is expedient to amend the Lower Burma Municipal Act, 1884, it is hereby enacted as follows

1. In section 2 of the Lower Burma Municipal Act, 1884, the word "and" at the end of the definition of "inhabitant" shall be omitted, and, after the definition of "street," the following shall be inserted, namely

"sewage" means night-soil and other proper contents of water-closets, latrines, urinals, privies, drains and cesspools

"drain" includes a sewer, pipe, ditch or channel, or any other device for carrying off sullage, sewage or polluted water, and

"drainage-connection" includes—

(a) any drain or pipe between any water-closet, latrine, urinal, privy, bathroom, cookroom, sink, sullage-tray, manhole or trap on the one hand and any sewer or drain set apart by the committee for sullage, sewage and other offensive matter on the other hand, and

(b) any cistern, flush-tank, land, building, machinery, work or thing for collecting and passing into any sewer or drain vested in the municipal committee, or

used for so collecting and passing, any sullage, sewage or polluted water."

2. In section 41, sub-section (1), division (A), of the said Act the following shall be added after clause (d), namely

"(e) a tax on vehicles and animals used as aforesaid entering the municipality."

3. For section 75 of the said Act the following shall be substituted, section for section 75, namely.

"75. (1) Every person intending to erect or re-erect any building shall, if required by rule made by the committee in this behalf to do so, give notice in writing of his intention to the committee, and shall, if required by rule made by the committee in this behalf to do so, submit with such notice—

(i) a site-plan of the land;

(ii) where the land belongs to the Government or the committee, a certified copy of the document or documents authorizing him to occupy the land, and, on the requisition of the committee, the original document or documents also if the committee desires to inspect it or them;

(iii) a plan showing the levels at which the foundation and lowest floor or plinth are proposed to be laid, and specifications of the work intended to be constructed and the materials to be used.

"(2) The committee may at any time within one month thereafter, by notice, either prohibit the erection or re-erection of such building if deemed likely to be injurious to the inhabitants of the neighbourhood, or give any directions

consistent with this Act in respect of all or any of the matters following, namely:

- (a) trespass or encroachment on land belonging to the Government or the committee;
- (b) free passage or way in front of the building;
- (c) space to be left about the building to secure free circulation of air and facilitate scavenging;
- (d) ventilation and drainage;
- (e) level and width of foundation, level of lowest floor or of plinth and stability of structure;
- (f) line of frontage with neighbouring buildings, if the building abuts on a street or public thoroughfare; and
- (g) situation of water-closets, latrine, urinal, privies, drains, cesspools, traps, sinks, sullage-trays and wells.

Provided that the committee shall make full compensation to the owner for any damage which he may sustain in consequence of the prohibition of the erection or re-erection of any building, or of its occupying any land belonging to him to be added to the street.

"(g) If any building is begun or erected or re-erected in contravention of any such rule as aforesaid, or in disobedience to any such prohibition as aforesaid, or in contravention of any such written direction as aforesaid, the committee may, by notice, require the building to be altered or demolished, as it may deem necessary.

"(h) The expression 'erect or re-erect any building' includes—

- (a) any material alteration or enlargement of any building, or
- (b) the conversion into a place for human habitation of any building not originally constructed for human habitation, or
- (c) the conversion into more than one place for human habitation of a building originally constructed as one such place, or
- (d) the conversion of two or more places of human habitation into a greater or less number of such places or into one such place, or
- (e) such alteration of the internal arrangements of a building as effects an alteration of its drainage or sanitary arrangements, or
- (f) the addition of any rooms, buildings, out-houses or other structures to any building."

4. For section 91 of the said Act the following substitution of rewriting shall be substituted, section for section 91, namely:

Act XVII, 1884.

"91. (1) The committee may, by notice, require the owner of any building or land to provide, in such manner as the committee may direct, any water-closet, latrine, urinal,

privy, drain, cesspool, trap, sink or sullage-tray, or any additional water-closets, latrines, urinals, privies, drains, cesspools, traps, sinks or sullage-trays, which should, in its opinion, be provided for the building or land.

"(2) The committee may, by notice, require any persons employing more than twenty workmen or labourers to provide such water-closets, latrines, urinals, privies, drains, cesspools, traps, sinks or sullage-trays as it may think fit, and to cause the same to be kept in proper order and to be daily cleaned.

"(3) The committee may, by notice, require the owner or occupier of any building or land to have any water-closet, latrine, urinal or privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the committee directs, any door or trap-door of a water-closet, latrine, urinal or privy opening on to any street or drain."

Substitution of new section for section 92, Act XVII, 1884.

5. For section 92 of the said Act the following shall be substituted, namely:

"92. (1) The committee may, by notice, require the owner or occupier of any building or land the like to close or remove, or to repair or alter and put in good order, any water-closet, latrine, urinal, privy, drain, cesspool, trap, sink or sullage-tray belonging thereto.

"(2) The committee may, by notice, require any person who constructs any new water-closet, latrine, urinal, privy, drain, cesspool, trap, sink or sullage-tray without its permission in writing or contrary to its directions or regulations or to the provisions of this Act, or who constructs, re-builds or opens any water-closet, latrine, urinal, privy, drain, cesspool, trap, sink or sullage-tray which it has ordered to be demolished or stopped up or not to be made, to demolish the water-closet, latrine, urinal, privy, drain, cesspool, trap, sink or sullage-tray, or to make such alteration therein as it thinks fit.

"(3) Where any building or land situated within one hundred feet of one of the sewers or drains set apart by the committee for sullage, sewage or other offensive matter is at any time not drained to the satisfaction of the committee by any or a sufficient drainage-connection with such sewer or drain, the committee may by notice require the owner of such building or land to make and maintain a drainage-connection with the sewer or drain in such manner as the committee may, by rule made with the sanction of the Local Government, direct.

"(4) The provisions of sections 109 and 110 of this Act shall apply to any default in compliance with any such requisition, notwithstanding that part of the land through which the said drainage-connection is required to pass may not belong to the person so making default, unless he shall prove that the default was caused by the act of the owner or occupier of such last-mentioned land."

STATEMENT OF OBJECTS AND REASONS.

THE Rangoon Municipal Committee has constructed for the use of the town a hydro-pneumatic system of drainage. The system was completed in April, 1890, and has since been in working order; but up to date only ten per centum of the houses capable of being connected with the sewers have been connected. It is necessary for the health of the town that the connection of all houses which can be connected with the sewers should be completed as soon as possible. The main object of this Bill is so to amend Act XVII of 1884 as to meet a decision of the learned Recorder of Rangoon to the effect that the municipal committee has at present no power under the Lower Burma Municipal Act, 1884, to compel house-owners to connect their premises with a system of sewers not contemplated when the Act was passed.

Though the Act is intended primarily for Rangoon, yet, as it only adds to without otherwise changing the Act of 1884, it is made applicable to the whole of Lower Burma.

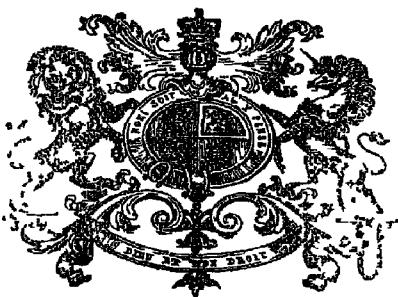
2. The object of section 2 of the Bill is to extend to Lower Burma a clause which is in force in the North-Western Provinces and Oudh, the Punjab, the Central Provinces and Ajmere.

3. Section 3 of the Bill has been framed to give more control over the erection of buildings on land within municipal limits which belongs to the Government or a municipal committee. The more ignorant classes regard a municipal permit to build a house as equivalent to a Government grant of the site. The less scrupulous run up a wooden house quickly without the knowledge of the revenue-officers and defy the revenue-officers to eject them without a suit. It is desirable, therefore, by an amendment of the section to prevent any misunderstanding or inconvenience.

The 19th August, 1891.

PHIL P. HUTCHINS.

S. HARVEY JAMES,
Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY

SIMLA, SATURDAY, SEPTEMBER 19, 1891.

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PART V.

Bills introduced in the Council of the Governor General of India for making Laws and Regulations, or Reports of Select Committees presented to the Council.

GOVERNMENT OF INDIA LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend the Law of Evidence with respect to Bankers' Books was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 17th September 1891.

We, the undersigned, Members of the Select Committee to which the Bill to amend

From Officiating Director General, Post Office of India, No 12471, dated 13th February, 1891 [Paper No 1]

Telegram from Resident, Hyderabad, No 79, dated 26th February, 1891 [Paper No 2]

From High Court, Calcutta, No 552, dated 3rd March, 1891 [Paper No 3]

From Chief Commissioner, Burma, No. 664-4L, dated 28th February, 1891, and enclosure [Paper No 4].

From Government, Bengal, No 9491, dated 2nd March, 1891, and enclosures [Papers No 5].

From Chief Commissioner, Central Provinces, No 1283-132, dated 2nd March, 1891 [Paper No 6]

From Governor General's Agent, Baluchistan, No 1163, dated 2nd March, 1891 [Paper No. 7]

From Chief Commissioner, Ajmere-Merwara, No 392C, dated 4th March, 1891 [Paper No 8].

From Government, North-Western Provinces and Oudh No. 193, dated 7th March, 1891, and enclosures [Papers No 9].

From Chief Commissioner, Coorg, No. 426-21-91, dated 31st March, 1891 [Paper No. 10]

From Government, Madras, No 434 (Judicial), dated 5th March, 1891, and enclosures [Papers No. 11]

Endorsement by Home Department, No 371, dated 17th March, 1891, and enclosure [Papers No. 12].

From Government, Punjab, No 303, dated 13th March, 1891, and enclosures [Papers No. 13].

From Chief Commissioner, Assam, No 84T, dated 21st March, 1891 [Paper No. 14].

From Government, Bombay, No 1619, dated 17th March, 1891, and enclosures [Papers No. 15].

the Law of Evidence with respect to Bankers' Books was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

2. Section 2.

—We have amended sub-section (1) so as to include in the definition of "company" the Presidency Banks.

We have omitted from clause (a) of sub-section (2) the reference to a Government Savings Bank. We consider the accounts of such banks, as

* Act I of 1872. well as those of the Money Order Department of the Post Office and of Government treasuries, to be "public documents" within the meaning of section 74 of the Evidence Act,* and

covered therefore by section 65 of that Act.

We have added a clause (3) to sub-section (2) so as to include under the term "bank" or "banker" any partnership (not coming under the definition of "company") or individual to whom the Local Government may under section 3 extend the provisions of the Act.

We have also added definitions of the terms "trial" and "certified copy" so as to make the provisions of the Bill compact and readily intelligible.

3. *Section 3.*—This section is new. It has been brought to our notice that there are in India several large private banks to whom the privileges contemplated by this Bill may safely and fairly be extended. As, however, it is not desirable to extend the privileges to all private banks, we have given power to the Local Government to decide each case on its merits. We consider, however, that these privileges should not be extended to any partnership or individual carrying on the business of bankers which does not keep at least the three account books specified in the section which are absolutely essential to a proper system of accounts.

4. *Section 4 (old section 3).*—We have amended this section so as to bring the provisions of the Bill into accord with section 34 of the Evidence Act.*

5. We have omitted sections 4 and 5 of the original Bill altogether. We consider that no copy of any entry should be receivable in evidence in any legal proceeding unless it is a "certified copy" as defined in the revised Bill. That definition, read with section 4 of the Bill, seems to us to meet all the requirements of the case. Certified copies of entries in the accounts of privileged banks will now be on the same footing as certified copies of public documents.

6. *Section 5.*—We consider that it is inadvisable in the public interests to restrict the power conferred by this section to a Judge of a High Court. Such a restriction might, and probably would, involve in many cases unnecessary expense and delay. We have therefore extended the power to the Court before which the legal proceeding in question is held or taken (section 2 (5)).

7. *Section 6.*—We have enlarged sub-section (1) so as to allow the Court or a Judge to permit the bank to prepare and produce certified copies of all relevant entries as an alternative to allowing parties to inspect and take copies for themselves. It is probable that in many cases it may, in the interests of the bank or its clients, be highly undesirable to allow an inspection of the bank's books.

We have amended sub-section (2) so as to require that in ordinary cases due notice of any order under section 5 or under section 6, sub-section (1), shall be given to the bank; and we have added a sub-section (3) allowing the bank to show cause against any such order.

8. *Section 7.*—We have altered this section so as to make it clear that costs awarded to a bank, as well as costs awarded *against* it, may be enforced as if the bank were a party.

9. We have not thought it necessary to provide special penalties for the fraudulent or dishonest making or using of false certificates, as we consider that the provisions of the Penal Code are sufficient for this purpose.

10. The publication ordered by the Council has been made as follows:—

In English.

<i>Gazette.</i>	<i>Date.</i>
Gazette of India	7th February, 1891.
Fort Saint George Gazette	17th February, 1891.
Bombay Government Gazette	12th February, 1891.
Calcutta Gazette	11th February, 1891.
North-Western Provinces and Oudh Government Gazette	14th February, 1891.
Punjab Government Gazette	19th February, 1891.
Central Provinces Gazette	14th February, 1891.
Burma Gazette	21st February, 1891.
Assam Gazette	21st February, 1891.
Coorg District Gazette	2nd March, 1891.

In the Vernaculars.

<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
Madras	Tamil	2nd March, 1891.
	Telugu	2nd March, 1891.
	Kanarese	2nd March, 1891.
	Hindustani	10th March, 1891.
	Malayalam	10th March, 1891.
Bengal	Urja	19th February, 1891.
	Bengali	24th February, 1891.
	Hindi	3rd March, 1891.
North-Western Provinces and Oudh	Urdu	28th February, 1891.
Assam	Bengali	7th March, 1891.
Coorg	Kanarese	1st April, 1891.

11. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

ALEX. EDW. MILLER,
PHIL. P. HUTCHINS.
W. H. RATTIGAN.

The 17th September, 1891.

No. II.

A Bill to amend the Law of Evidence with respect to Bankers' Books.

WHEREAS it is expedient to amend the Law of Evidence with respect to Bankers' Books ; It is hereby enacted as follows :—

Title, extent and commencement. I. (1) This Act may be called the Bankers' Books Evidence Act, 1891.

(2) It extends to the whole of British India ; and

(3) It shall come into force at once.

2. In this Act, unless there is something repugnant in the subject or Definitions.—

(1) "company" means a company registered under any of the enactments relating to companies from time to time in force in British India, or incorporated by an Act of Parliament or of the Governor General in Council, or by Royal Charter or Letters Patent.

(2) "bank" and "banker" mean—

(a) any company carrying on the business of bankers,

(b) any partnership or individual to whose books the provisions of this Act shall have been extended as hereinafter provided :

(3) "bankers' books" include ledgers, day-books, cash-books, account-books and all other books used in the ordinary business of a bank :

(4) "legal proceeding" means any proceeding or inquiry in which evidence is or may be given, and includes an arbitration :

(5) "the Court" means the person or persons before whom a legal proceeding is held or taken :

(6) "Judge" means a Judge of a High Court :

(7) "trial" means any hearing before the Court at which evidence is taken : and

(8) "certified copy" means a copy of any entry in the books of a bank, together with a certificate written at the foot of such copy that it is a true copy of such entry ; that such entry is contained in one of the ordinary books of the bank, and was made in the usual and ordinary course of business ; and that such book is still in the custody of the bank, such certificate being dated and subscribed by the principal accountant or manager of the bank with his name and official title.

3. The Local Government may, from time to time, by notification in the official Gazette, extend the provisions of this Act to the books of any partnership or individual carrying on the business of bankers within the territories under its administration, and keeping a set of not less than three ordinary account books, namely, a cash-book, a day-book or journal and a ledger, and may in like manner rescind any such notification.

4. Subject to the provisions of this Act, a certified copy of any entry in a banker's book shall in all legal proceedings be received as *prima facie* evidence of the existence

of such entry, and shall be admitted as evidence of the matters, transactions and accounts therein recorded in every case where, and to the same extent as, the original entry itself is now by law admissible, but not further or otherwise.

5. No officer of a bank shall in any legal Case in which officer proceeding to which the of bank not compellable bank is not a party be to produce books. compellable to produce any banker's book the contents of which can be proved under this Act, or to appear as a witness to prove the matters, transactions and accounts therein recorded, unless by order of the Court or a Judge made for special cause.

6. (1) On the application of any party to a Inspection of books legal proceeding the Court by order of Court or or a Judge may order that Judge such party be at liberty to inspect and take copies of any entries in a banker's book for any of the purposes of such proceeding, or may order the bank to prepare and produce, within a time to be specified in the order, certified copies of all such entries, accompanied by a further certificate that no other entries are to be found in the books of the bank relevant to the matters in issue in such proceeding, and such further certificate shall be dated and subscribed in manner hereinbefore directed in reference to certified copies.

(2) An order under this or the preceding section may be made either with or without summoning the bank, and shall be served on the bank three clear days (exclusive of bank holidays) before the same is to be obeyed, unless the Court or Judge shall otherwise direct.

(3) The bank may at any time before the time limited for obedience to any such order as aforesaid either offer to produce their books at the trial or give notice of their intention to show cause against such order, and thereupon the same shall not be enforced without further order.

7. (1) The costs of any application to the Costs. Court or a Judge under or for the purposes of this Act and the costs of anything done or to be done under an order of the Court or a Judge made under or for the purposes of this Act shall be in the discretion of the Court or Judge, who may further order such costs or any part thereof to be paid to any party by the bank if they have been incurred in consequence of any fault or improper delay on the part of the bank.

(2) Any order made under this section for the payment of costs to or by a bank may be enforced as if the bank were a party to the proceeding.

(3) Any order under this section awarding costs may, on application to any Court of Civil Judicature designated in the order, be executed by such Court as if the order were a decree for money passed by itself :

Provided that nothing in this sub-section shall be construed to derogate from any power which the Court or Judge making the order may possess for the enforcement of its or his directions with respect to the payment of costs.

L. PORTER,
Offg. Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 3, 1891.

~~25~~ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced in the Council of the Governor General of India for making Laws and Regulations, or Reports of Select Committees presented to the Council.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to make better provision for the administration of Municipalities in the Punjab was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 1st October 1891 :

WE, the undersigned Members of the Select Committee to which the

From Chief Court, to Government, Punjab, No. 3513-G, dated 20th August, 1891; from Government Advocate, to ditto, No. 81-D. A., dated 21st August, 1891; from Commissioner and Superintendent, Peshawar Division, to ditto, No. 173, dated 22nd August, 1891, and enclosure [Papers No. 1].

From J. Elston, Esq., Simla, dated 4th September, 1891 [Paper No. 2].

From Chief Court, to Government, Punjab, No. 3566-G, dated 31st August, 1891 [Paper No. 3].

Memorandum by Vice-President, Simla Municipal Committee, dated 2nd September, 1891, and enclosures [Paper No. 4].

From Commissioner and Superintendent, Jullundur Division, to Government, Punjab, No. 2129, dated 3rd September, 1891, and enclosures; endorsement by ditto, No. 2130, dated 3rd September, 1891, and enclosures [Papers No. 5].

From Commissioner and Superintendent, Delhi Division, to Government, Punjab, No. 402, dated 31st August, 1891, and enclosures, from Officiating Commissioner and Superintendent, Rawal Pindi Division, to Government, Punjab, No. 894-A. L. F., dated 25th August, 1891; from ditto, to ditto, No. 912-L F., dated 1st September, 1891, and enclosure, from Commissioner and Superintendent, Derajat Division, to ditto, dated 31st August, 1891, and enclosures; from Commissioner and Superintendent, Lahore Division, to ditto, No. 334, dated 2nd September, 1891, and enclosures [Papers No. 6].

Endorsement by Commissioner, Lahore Division, No. 348, dated 7th September, 1891, and enclosure [Papers No. 7].

From W. E. Fleming, Esq., Simla, dated 15th September, 1891 [Paper No. 8].

as revised by us annexed thereto.

2. *Section 3.*—We have struck out the definition of "animal." In section 100 a special definition has been provided for the purposes of that section. Elsewhere in the Act no definition seems required.

We have added definitions of "rules" and "bye-laws" so as to distinguish between the regulations prescribed by the Local Government under the Act and those framed by committees.

3. *Section 5.*—We have provided that no committee shall consist of less than three members. As there was already a provision that the quorum at an ordinary meeting should not be less than three, we thought this condition essential to the consistency of the Bill.

4. *Section 7.*—We have made it clear that the power conferred on the Local Government by this section shall only be exercised for some reason affecting the public interests.

Bill to make better provision for the administration of Municipalities in the Punjab was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill

5. *Section 11.*—We consider that the removal of a member should be made by notification so as to secure full publicity, and we have added dismissal from the public service to the grounds for which a member may be removed. Further, we consider that absence from meetings for more than three months, to whatever cause it may be due, is a *fair prima facie* reason for removal.

We have removed section 14 of the Bill, as originally referred to us, to its proper place under the head "Officers and Servants."

6. *Section 15.*—We have given the committee power to declare, in the case of two vice-presidents elected on the same day, which shall be the senior. We believe that the want of some such provision has been felt.

7. *Section 18.*—It seems unnecessary to notify casual vacancies; this provision has therefore been omitted.

8. We have altered the position of section 19 of the Bill as originally referred to us. It now stands as section 41.

9. *Section 21.*—We have provided that the quorum at a special meeting of committee shall not be less than three, this was already provided for ordinary meetings.

10. *Section 26.*—We have made it clear that a vice-president may take action under this section when the office of president is vacant as well as when the president is merely absent.

11. *Section 30.*—Express power to remove or dismiss officers and servants has been conferred on committees, subject, however, to the other provisions of the Act (such as section 31) and to any rules which the Local Government may issue under the Act.

12. *Section 36 (1).*—We consider that the signature of at least two members, of whom the president or vice-president should be one, and the countersignature of the secretary, are necessary in the case of the contracts specified

In sub-section (2) we have added the attestation of the secretary.

13. *Section 42.*—We have altered the word "tax" in sub-section (1), division A, clause (d), to "toll," and have provided that no toll shall be levied on any vehicle, &c., which has paid the tax under clause (c). A provision permitting compounding for tolls has also been added.

14. *Section 49.*—As some doubts have been expressed as to the meaning of the expression "defect of form," we have enlarged this section (on the lines of section 208 of the Madras Act I of 1884) so as to show clearly what is meant.

15. *Section 50.*—We have omitted the definition of "payable by instalments." Owing to the alterations which we have made in section 62, no definition is now required.

16. *Section 52 (4).*—We consider that the costs in every appeal under this section should be in the discretion of the officer deciding the appeal, and we have modified the clause accordingly.

17. *Section 53 (3).*—We consider that the provisions of the Bill referred to us requiring the appellant against any assessment or tax to deposit with the committee the amount in dispute before his appeal can be entertained are inequitable; and we have omitted them. This omission involves the omission of clause (3) also, which provided for the disposal of such deposits.

18. *Section 55.*—We have transferred to this place section 70 of the Bill as referred to us. It comes more appropriately under the head "General Provisions" than under "Octroi and Tolls."

19. *Section 62.*—We have altered this section so as to empower the committee in its discretion to grant an equitable remission of the tax, whether payable by the year or by instalments, when the property has remained unoccupied and unproductive of rent for a period of not less than sixty consecutive days.

We have also provided that no remission for partial occupation shall be claimable unless the part unoccupied forms a separate tenement. In both these matters we have

Bombay Act III of 1888 adopted the principles of the City of Bombay Municipal Act, 1888. We have laid the burden of proving the facts entitling any person to claim a remission on the person making the claim; and we have treated houses rented to a tenant who is entitled to occupy, but does not occupy, as occupied for the purpose of taxation.

20. *Section 73.*—We have inserted a provision that no salary shall be payable to a president who is a salaried officer of Government.

21. *Section 79.*—We consider that the power of determining the constitution of the police establishment should rest entirely with the Local Government, and not with the committee.

22. *Section 92.*—We have enlarged and re-modelled this section so as to make the provisions regulating the procedure to be followed by persons intending to erect new buildings clear and complete. We have added a clause to the effect that any sanction accorded to the erection of a new building shall lapse unless the building is commenced within one year of the date of the sanction. It is necessary to provide some period of limitation, and one year seems ample, especially as the lapse will not bar a fresh application.

23. *Section 94.*—This definition of the expression "erect or re-erect" has been founded on that given in the Burma Municipal Bill.

24. *Section 98 (1).*—We have substituted the word "premises" for "places" so as to make it clear that the building (if any) as well as the site is included.

25. *Section 104.*—We consider that this section as originally drafted gave too unlimited a power to the committee in respect of prohibiting the lighting of fires in upper storeys of buildings. We have therefore limited the power to cases in which, owing to the construction of the upper storey and proximity of other buildings, there is a reasonable ground for action.

26. *Section 120.*—We have added a new sub-section (4) providing for the disposal of articles seized under this section.

27. *Section 122.*—We have empowered the committee on certain conditions to require owners to connect their house drains with the public sewers. This provision has been taken from the Burma Municipal Bill, and is in our opinion very necessary.

28. *Section 138.*—We have given the committee the power of confining, or of causing to be confined, dogs suspected of rabies as well as of destroying them. In some cases extreme measures may be inadvisable so long as there is any reasonable doubt. We have omitted the section regarding the muzzling of dogs, as we are not satisfied that any such general scheme is practicable. The Local Government did not press the section.

29. *Section 139.*—We have modified clause (a) so as to make it compulsory on medical practitioners to report only in those cases which have come to their knowledge in the course of their practice.

30. *Section 143.*—We have given the committee power to inspect and regulate "dhobis' ghâls" and flour-mills in addition to the other places mentioned.

We have also given the committee power to control and regulate the admission for sale within municipal limits of the flesh of animals killed outside the municipality, but not at licensed slaughter-houses. It is desirable that the committee should have some power, as the Bombay Corporation has, to control slaughter-houses outside municipal limits.

We have empowered the committee to fix a period of limitation after which no claim for refund of octroi shall be entertained.

31. *Sections 147-48.*—We consider that it is impossible to lay down in each case whether the notice to do a certain act should be given to the owner or to the occupier. A discretion must be left to the committee to act equitably in each case. We have, however, laid down a general rule that the notice shall be given to the one of them primarily liable, and in case of doubt to both, and we have indicated, as far as it appears possible to do so, the principle by which this primary liability is to be decided.

32. *Section 151.*—This section is new, and provides for appeals in certain cases to which the general law or the other provisions of the Act do not apply.

33. *Section 171.*—This section is new. It is taken from section 412 of the City of Bombay Municipal Act, and appears to be required to give effect to bye-laws under section 143 (4).

34. *Section 173 (1).*—We have empowered the secretary of the committee to take action under this section.

35. *Section 182 (3).*—We consider that it should rest with the Local Government to decide whether a new committee should be constituted or not. We have therefore altered the words which appeared to make such constitution obligatory.

36. *Section 187.*—We have restricted the power of compounding offences to the president, vice-president and secretary, and to a sub-committee. We do not think that any member or other officer should be capable of being invested with that power. We have also enabled the Local Government to withdraw the power when once conferred.

37. *Section 191.*—We have allowed the committee to authorise any sub-committee to sign notices.

38. *Section 203.*—We have brought this section into conformity with the common law by requiring one month's notice in both cases. We have also restricted the power of extending this section to the case of servants whose functions intimately concern the public health or safety. In no other case would the extension be justifiable.

39. *Section 210 (3).*—The alteration in the closing words of this clause has been made at the request of His Honour the Lieutenant-Governor.

40. The other alterations, though numerous, are either purely verbal or intended solely to carry out the intention of the framers of the Bill.

41. The publication ordered by the Council has been made as follows:—

In English.

<i>Gazette.</i>	<i>Date.</i>
Gazette of India	8th August, 1891.
Punjab Government Gazette	13th August, 1891.

In the Vernacular.

Province.	Language.	Date.
Punjab	Urdu	13th August, 1891

42. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

W. H. RATTIGAN.

PHIL. P. HUTCHINS.

ALEX. EDW. MILLER.

The 30th September, 1891.

No. II.

THE PUNJAB MUNICIPAL BILL,
1891.

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[*Note.*—The portions in italics shew the alterations in and additions to Act XIII of 1884 made by the Select Committee.]

No. II.

A Bill to make better provision for the administration of Municipalities in the Punjab.

WHEREAS it is expedient to make better provision for the administration of municipalities in the Punjab; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Title, extent and commencement. I. (1) This Act may be called the Punjab Municipal Act, 1891.

(2) It extends only to the territories for the time being administered by the Lieutenant-Governor of the Punjab; and

(3) It shall come into force on such day as the Local Government may, by notification in the official Gazette, appoint in this behalf.

2. (1) *The Punjab Municipal Act, 1884, is XIII of 1884. Repeat.* hereby repealed:

(2) *But all municipalities constituted, committees established, limits defined, appointments, rules, regulations, bye-laws and orders made, notifications and notices issued, taxes, tolls, rates and fees imposed or assessed, contracts entered into and suits instituted under the said Act, or under the Punjab Municipal Act, 1873, or any enactment thereby repealed, shall, so far as may be, be deemed to have been respectively constituted, established, defined, made, issued, imposed or assessed, entered into and instituted under this Act.*

IV of 1873.

3. In this Act, unless there is something repugnant in the subject or context,—

(1) "municipality" means any local area declared by or under this Act to be a municipality:

(2) "committee" means a municipal committee established by or under this Act.

(3) "inhabitant" includes any person ordinarily residing or carrying on business, or owning or occupying immoveable property, in any municipality or in any local area which the Local Government has by notification under this Act proposed to declare to be a municipality:

(4) "street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way, and also the roadway and footway over any public bridge or

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(Chapter I.—Preliminary.—Section 4. Chapter II.—Committees.—Sections 5-7).

(5) "owner" includes the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or who would so receive the same if the land or building were let to a tenant.

IV of 1884. (6) "explosive" and "petroleum" have the meanings assigned to those words in the Indian Explosives Act, 1884, and the Petroleum Act, XII of 1886, 1886, respectively:

(7) "notification" means a notification published under this Act in the official Gazette

(8) "notified" means published as aforesaid:

(9) "rules" and "rule" mean respectively the rules made or to be made and notified by the Local Government under the authority of this Act, and any one of such rules: and

(10) "bye-laws" and "bye-law" mean respectively the regulations made or to be made by the committee at a special meeting under the authority of this Act, and any one of such regulations.

4. (1) The Local Government may, by notification, propose to declare any town or group of towns, together with or exclusive of any railway-station, village, building or land in the vicinity of any such town, or group of towns, a municipality under this Act:

Provided that no military cantonment or part of a military cantonment shall, without the consent of the Governor General in Council, be comprised in any such notification.

(2) Every such notification shall define the limits of the local area to which it relates.

(3) A copy of every notification under this section, with a translation in such vernacular language as the Local Government may direct, shall be affixed in some conspicuous place in the court-house of the Deputy Commissioner within whose jurisdiction the local area to which the notification relates lies, and in one or more conspicuous places in that local area.

(4) The Deputy Commissioner shall certify to the Local Government the date on which the copy and translation were so affixed, and the date so certified shall be deemed to be the date of publication of the notification.

(5) Should any inhabitant desire to object to a notification issued under sub-section (1), he may, within six weeks from the date of its publication, submit his objection in writing through the Deputy Commissioner to the Local Government, and the Local Government shall take his objection into consideration.

(6) When six weeks from the date of the publication have expired, and the Local Government has considered and passed orders on such objections as may have been submitted to it, the Local Government may, by notification, declare the local area to be, for the purposes of this Act, a municipality of the first or second class.

(7) A committee shall come into existence at such time as the Local Government may

CHAPTER II.

COMMITTEES.

Constitution of Committees.

5. (1) There shall be established for each municipality a committee having authority over the municipality and consisting of such number of members not less than three as the Local Government may fix in this behalf.

(2) Every such committee shall consist of members appointed by the Local Government either by name or by office, or of members elected from among the inhabitants in accordance with rules made under this Act, or partly of the one and partly of the other, as the Local Government may by notification direct:

Provided that—

(a) if the Local Government has directed that the elected members shall constitute the whole or any proportion of the committee, it shall not afterwards direct that they shall constitute any smaller proportion thereof except in compliance with the request of a majority of the electors for the time being, or for some reason which the Local Government may deem to affect the public interests; and,

(b) unless the Governor General in Council shall otherwise direct, the appointed members who are salaried officers of Government shall not exceed one-third of the whole committee.

(3) When, under a direction issued under sub-section (2), any places on a committee are required to be filled by election, and a sufficient number of members has not been elected, the Local Government may fill those places by appointment.

6. (1) If a member of committee is appointed by office, the person for members. term of office of the time being holding the office shall be a member of the committee until the Local Government shall otherwise direct.

(a) The term of office for which all other members of committee shall be appointed and elected respectively shall be fixed by the Local Government by rules made under this Act, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(3) An outgoing member may, if otherwise qualified, be re-elected or re-appointed.

7. The Local Government may at any time for Special provision any reason which it may with respect to term deem to affect the public interests, by notification direct that a seat on any committee which is then filled by election shall thenceforth when vacant be filled by appointment, and it may also for a like reason and in the like manner direct that the seat of any elected member shall be vacated upon a date appointed in the notification;

and, in such last mentioned case the said seat shall be vacated accordingly notwithstanding

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(Chapter II.—Committees.—Sections 8-15.)

8. The Local Government may at any time by special provision notification direct that a seat on any committee then or after elected members, filled by appointment shall thenceforth when vacant be filled by election;

and it may also direct that the seat of any appointed member shall be vacated upon a date appointed in the notification;

and in such last mentioned case the said seat shall be vacated accordingly notwithstanding anything to the contrary in this Act or in the rules thereunder.

9. The Local Government may at any time by special power to Local Government to fix term to compose a committee of certain members then composing the committee, and it may also by notification direct, so far as may be necessary to reduce the number of members to the number so fixed, that the seat of any specified member or members shall be vacated upon a date appointed in the notification,

and, if such direction be given, the said seat or seats shall be vacated accordingly notwithstanding anything to the contrary in this Act or in the rules thereunder.

10. (1) Any member of committee who may wish to resign may forward his resignation, through the president of the committee, to the Deputy Commissioner within whose jurisdiction the municipality lies.

(2) When the acceptance of the resignation by the Local Government has been communicated to the committee, the member shall be deemed to have vacated his seat.

Powers of the Local Government as to removal of members. II. (1) The Local Government may by notification remove any member of committee—

(a) if he refuses to act, or becomes, in the opinion of the Local Government, incapable of acting, or has been declared a bankrupt or an insolvent, or convicted of any such offence, or subjected by a Criminal Court to any such order as implies, in the opinion of the Local Government, a defect of character which unfit him to be a member;

(b) if he has been declared by notification to be disqualified for employment in, or has been dismissed from, the public service;

(c) if he has absented himself for more than three consecutive months from the meetings of the committee;

(d) if his continuance in office is, in the opinion of the Local Government, dangerous to the public peace or order; or

(e) in the case of a salaried officer of the Government, if his continuance in office is, in the opinion of the Local Government, unnecessary or undesirable.

(2) A person removed under this section shall be disqualified for election unless and until the Local Government shall otherwise direct.

12. (1) Whenever a vacancy occurs by the

with the rules made under this Act to fill the place.

Provided that the Local Government may direct in any such case that the vacancy shall be left unfilled.

(2) Upon the death, resignation or removal of any appointed member, the Local Government may, if it shall think fit, appoint a new member to fill the place.

(3) Every person elected or appointed to fill a casual vacancy shall hold his seat for the time for and subject to the conditions upon which it was tenable by the person in whose place he has been so elected or appointed, and no longer; but he may, if otherwise qualified, be re-elected or re-appointed.

13. Every committee shall be a body corporate by the name of the municipal committee of its municipality; and shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immovable, and, subject to the provisions of this Act, to transfer any property held by it, to contract and to do all other things necessary for the purposes of its constitution; and may sue and be sued in its corporate name.

14. Every member of committee shall be deemed to be a municipal member of committee to be municipal commissioner within the meaning of any enactment for the time being in force.

President and Vice-President.

15. (1) Every committee shall, from time to time, elect one of its members of president and vice-president. The member so elected shall, if approved by the Local Government in the case of a first class committee, or by the Commissioner in the case of a second class committee, become president of the committee:

Provided that the committee, instead of electing a president and submitting his name for approval to the Local Government or the Commissioner, may apply to the Local Government or the Commissioner, as the case may be, to appoint a president from among its members, and that the Local Government may, by notification, exclude any committee from the operation of this sub-section; and that in either of these cases, or if no election has been made within one month from the occurrence of a vacancy in the office of president, or if the person elected be not approved, the Local Government or the Commissioner, as the case may be, may, if it or he shall think fit, appoint one of the members of the committee to be president.

(2) Every committee may also, from time to time, elect one or two of its members to be vice-president or vice-presidents, and when two vice-presidents are elected on the same date shall declare which of them shall be deemed to be the senior.

(3) Every member elected or appointed under this section to be president or vice-president may be elected or appointed by office if he was appointed a member of the committee in the same way.

*The Punjab Municipal Bill, 1891.**(Chapter II.—Committees—Sections 16-25)*

then the person who for the time being holds the office shall be president or vice-president of the committee, as the case may be, during the term fixed under section 16, sub-section (1), for re-tention of office by a president or vice-president.

16. (1) Every president shall hold office for such term, not exceeding three years, as the Local Government may, by rule, fix, and every vice-president shall hold office for such term as the committee may, by bye-law, fix.

(2) Whenever a president or vice-president vacates his seat or tenders in writing to the committee his resignation of his office, he shall vacate his office, and any president or vice-president may be removed from office by the Local Government in pursuance of a resolution to that effect passed by two-thirds of the members present at a special meeting.

(3) Every resignation of office tendered under this section shall be reported, as soon as may be, to the Deputy Commissioner.

17. (1) Upon the occurrence of any vacancy Casual vacancies in in the office of president or office of president or vice-president, a new vice-president shall be elected or appointed in manner provided by section 15.

(2) The person so elected or appointed to fill a casual vacancy shall hold office for the time for which it was tenable by the person in whose place he has been elected or appointed, and no longer, but he may, if otherwise qualified, be re-elected or re-appointed.

Notification of Elections and Appointments.

18. Every election and appointment of a member or president of a committee shall be notified, in the case of a municipality of the first class, by the Local Government, and, in the case of a municipality of the second class, by the Commissioner of the Division, and no such election or appointment shall take effect until it has been so notified.

Conduct of Business.

19. (1) Every committee shall meet for the transaction of business at least once in every month meetings. at such time as may, from time to time, be fixed by the bye-laws.

(2) The president or, in his absence, a vice-president may, whenever he thinks fit, and shall, on a requisition made in writing by not less than one-fifth of the members of committee, convene either an ordinary or a special meeting at any other time.

20. (1) Every meeting of committee shall be either ordinary or special.

(2) Any business may be transacted at an ordinary meeting unless required by this Act or the rules to be transacted at a special meeting.

21. (1) The quorum necessary for the transaction of business at a special meeting of committee shall

committee shall be such number or proportion of the members of committee as may, from time to time, be fixed by the bye-laws, but shall not be less than three:

Provided that, if at any ordinary or special meeting of committee a quorum is not present, the chairman shall adjourn the meeting to such other day as he may think fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before, and transacted at, the adjourned meeting, whether there be a quorum present thereat or not.

22. At every meeting of committee the Chairman of meeting, his absence, or during the vacancy of his office, the senior vice-president present, and if there be no president or vice-president present, then such one of their number as the members present may elect shall preside as chairman.

23. Except as otherwise provided by this Act or the rules, all questions of majority which come before any meeting of committee shall be decided by a majority of the votes of the members present, the chairman of the meeting, in case of an equality of votes, having a second or casting vote.

24. (1) Minutes of the proceedings at each meeting of committee shall be drawn up and recorded in a book to be kept for the purpose, shall be signed by the chairman of the meeting or of the next ensuing meeting, shall be published in such manner as the Local Government may direct, and shall, at all reasonable times and without charge, be open to inspection by any inhabitant.

(2) A copy of every resolution passed at any meeting of committee shall, within three days from the date of the meeting, be forwarded to the Deputy Commissioner.

25. (1) Every committee may, from time to time, make bye-laws consistent with this Act and with the rules as to—

- (a) the time and place of its meetings;
- (b) the manner in which notice of ordinary and special meetings and adjourned meetings shall be given;
- (c) the quorum necessary for the transaction of business at ordinary meetings;
- (d) the conduct of proceedings at meetings and the adjournment of meetings;
- (e) the custody of the common seal and the purposes for which it shall be used;
- (f) the person or persons to be primarily responsible for the current executive administration and his or their powers; that is to say, what portion of the executive authority shall be exercised by the president, by a vice-president, by sub-committees, by individual members and by officers or servants of the committee;
- (g) the persons by whom receipts shall be

*The Punjab Municipal Bill, 1891.**(Chapter II.—Committees.—Sections 26-35.)*

(i) the term for which a vice-president shall hold office; and

(j) all other similar matters

(2) No bye-law made under clause (c) or clause (f) of sub-section (1) shall take effect until it has been approved by the Local Government.

(3) Every bye-law made under this section shall be published in such manner as the Local Government may direct.

26. In cases of emergency the president, or in his absence or during the Extraordinary powers of president and vice-president in case of vice-president, may direct the execution of any work or the doing of any act which the committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing such work or doing such act shall be paid from the municipal fund:

Provided that—

(a) he shall not act under this section in contravention of any order of the committee; and

(b) every direction given under this section shall be reported to the next following meeting of committee.

Joint Committees.

27. A committee may concur with any other Joint committees. committee, or with any district board, or with any cantonment authority, or with more than one such committee, board or authority, in appointing out of their respective bodies a joint committee for any purpose in which they are jointly interested, and in delegating to any such joint committee any power which might be exercised by either or any of the committees, boards or authorities concerned, and in framing or modifying regulations as to the proceedings of any such joint committee, and as to the conduct of correspondence relating thereto.

Defects in Constitution and Irregularities.

28. No act done or proceeding taken under Vacancies and irregularities not to invalidate this Act shall be questioned on the ground merely of the existence of any vacancy in any committee or joint committee, or on account of any defect or irregularity not affecting the merits of the case.

Officers and Servants.

29. (1) Every committee shall, from time to time, at a special meeting, appoint one of its members, or, if the Commissioner consent to its appointing a person not a member, any other person, to be its secretary, and may, at a like meeting, remove any person so appointed.

(2) When a member of committee is appointed secretary, he shall receive no remuneration in respect of his services. When any other person is appointed secretary, the committee may, with the previous sanction of the Commissioner, assign to him such pay as it may think fit.

30. Subject to the provisions of this Act

officers and servants as may be necessary or proper for the efficient execution of its duties, and may assign to such officers and servants such pay as it may think fit, and may remove or dismiss any officer or servant so appointed

31. A Government official who has been continuously employed by Dismissal of Government officials. a committee from the commencement of the Punjab Municipal Act, 1884, and who is in the employment of the XIII of 1884. committee at the commencement of this Act, shall not be dismissed from that employment without the sanction of the Local Government.

32. If, in the opinion of the Commissioner,

Power to prevent extravagance in establishments. the number of persons employed by a committee as officers or servants, or whom the committee may propose to employ as such, or the remuneration assigned by the committee to those persons or any of them, is excessive, the committee shall, on the requirement of the Commissioner, reduce the number of those persons or the remuneration, as the case may be:

Provided that the committee may appeal against any such requirement to the Local Government, and the decision of the Local Government on any such appeal shall be final.

Pensions of Government officials serving committees. 33. In the case of an officer or servant being a Government official, a committee may,—

(1) if his services are wholly lent to it, subscribe for his pension or gratuity and leave-allowances in accordance with the Civil Service Regulations for the time being in force; and

(2) if he devotes only a part of his time to the performance of duties in behalf of the committee, make such contribution on account of his pension or gratuity and leave-allowances as the Government may determine.

34. In the case of an officer or servant not being a Government official, a committee may—

Pensions of others. (1) grant him leave-allowances and, if he is not entitled to pension or if his monthly pay is less than ten rupees, a gratuity; and

(2) if empowered in this behalf by the Local Government,—

(a) subscribe on his behalf for pension or gratuity under the Civil Service Regulations for the time being in force; or

(b) purchase for him from the Government or otherwise an annuity on his retirement:

Provided that no pension, gratuity, leave-allowance or annuity shall exceed the sum to which under the Civil Service Regulations for the time being in force the officer or servant would be entitled if the service had been service under the Government.

Contracts.

35. (1) The committee of any municipality of the first class may, subject to the provisions of this Act, delegate to one or more of its members the power of entering on its behalf into any particular contract.

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(Chapter II.—Committees.—Sections 36-41. Chapter III.—Taxation.—Section 42.)

(2) No contract by or in behalf of any committee whereof the value or amount exceeds five hundred rupees shall be entered into until it has been sanctioned at a meeting of committee.

36. (1) Every contract made by or on behalf of the committee of any municipality of the first class of property, whereof the value or amount exceeds one hundred rupees, and every contract made by or on behalf of the committee of any municipality of the second class whereof the value or amount exceeds fifty rupees, shall be in writing, and must be signed by two members, of whom the president or a vice-president shall be one, and countersigned by the secretary.

Provided that, when the power of entering into any contract on behalf of the committee has been delegated under the last foregoing section, the signature or signatures of the member or members to whom the power has been delegated shall be sufficient.

(2) Every transfer of immoveable property belonging to any committee must be made by an instrument in writing, executed by the president or vice-president, and by at least two other members of committee, whose execution thereof shall be attested by the secretary.

(3) No contract or transfer of the description mentioned in this section executed otherwise than in conformity with the provisions of this section shall be binding on the committee.

37. (1) If any member, officer or servant of a committee or of a joint committee is, without the permission in writing of the Commissioner, directly or indirectly interested in any contract made with that committee, he shall be deemed to have committed an offence under XLV of 1860. the Indian Penal Code, section 163.

(2) No member, officer or servant of a committee or of a joint committee shall by reason only of his being a shareholder in, or a member of, any incorporated or registered company, be held to be interested in any contract entered into between the said company and the committee or joint committee, but no such person as aforesaid shall take part in any proceedings of the committee or joint committee relating to any such contract.

Privileges and Liabilities.

38. No suit shall be instituted against a committee, or against any officer or servant of a committee in respect of any act purporting to be done in its or his official capacity, until the expiration of one month next after notice in writing has been, in the case of a committee delivered or left at its office, and in the case of an officer or servant delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff; and the plaint must contain a statement that such notice has been delivered or left.

39. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to a committee if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of the committee; and a suit for compensation for the same may be instituted against him by the committee with the sanction of the Commissioner, or by the Secretary of State for India in Council, in such Court as the Local Government may direct.

Acquisition of Land.

40. Where any land, whether within or without the limits of a municipality, is required for the purposes of this Act, the Local Government may, at the request of the committee, proceed to acquire it under the provisions of the Land Acquisition Act, 1870; and, on payment by the committee of the compensation awarded under that Act, and of any other charges incurred in acquiring the land, the land shall vest in the committee.

Delegation of Powers.

41 (1) The powers and functions of the Local Government under section 5, sub-section (3), section 10, section 12, and section 25, sub-section (2), may be delegated by the Local Government to the Commissioner of the Division.

(2) In regard to powers or functions delegated to him under this section, every Commissioner shall have the same authority as is given by this Act to the Local Government, and the delegation shall continue until revoked by the Local Government.

(3) A delegation under this section may be of all or any of the powers and functions aforesaid, and may be made generally in regard to either all the municipalities, or all the municipalities of a particular class, within the division of the Commissioner, or it may be made particularly in regard to certain municipalities only.

(4) The delegation may be by name or by office.

CHAPTER III.**TAXATION.***General Provisions.*

42. (1) Subject to any general or special orders which the Governor in Council may make in this behalf, and to the rules, any committee may, from time to time, for the purposes of this Act, and in the manner directed by this Act, impose in the whole or any part of the municipality any of the following taxes and tolls, namely:—

(A) with the previous sanction of the Local Government:—

(a) a tax on buildings and lands—

(ii) not exceeding in amount

*The Punjab Municipal Bill, 1891.**(Chapter III.—Taxation.—Sections 43-45.)*

- (ii) not exceeding in any municipality specified in the schedule one anna four pies, and elsewhere one anna, per square yard of the ground area, or
- (iii) not exceeding in any municipality specified in the schedule four rupees, and elsewhere three rupees, per running foot of frontage in streets or bazars;
- (b) a tax on persons practising any profession or art or carrying on any trade or calling in the municipality;
- (c) a tax on all or any vehicles, boats, animals used for riding driving, draught or burden, and dogs, when the vehicles, boats, animals used as aforesaid, and dogs, are kept within the municipality;
- (d) a toll on vehicles and animals used as aforesaid entering the municipality and not liable to taxation under the preceding clause;
- (e) a tax on menial and domestic servants;
- (f) an octroi on animals or goods or both brought within the octroi-limits for consumption or use therein; and

(B) with the previous sanction of the Local Government and of the Governor General in Council, any other tax:

Provided that any person may compound for exemption from all tolls leviable in respect of any animal or vehicle under clause (d) of this sub-section by paying the tax which would have been leviable in respect thereof under clause (c) if the same had been kept within the municipality.

(2) In this section "annual value" means the gross annual rent for which buildings and lands liable to taxation may reasonably be expected to let, and, in the case of houses, may be expected to let unfurnished:

Provided that, in the case of land assessed to land-revenue or of which the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, the annual value shall, if the Local Government so direct, be deemed to be double the aggregate of the following amounts, namely:—

- (a) the amount of the land-revenue for the time being assessed on the land, whether such assessment is leviable or not; or, when the land-revenue has been wholly or in part compounded for or redeemed, the amount which, but for such composition or redemption, would have been leviable; and
- (b) when the improvement of the land due to canal-irrigation has been excluded from account in assessing the land-revenue, the amount of the owner's rate or water-advantage rate or other rate imposed in respect of such improvement.

43. When a committee has, in exercise of the powers conferred by this House-scavenging-Act, undertaken the house-scavenging of any house or building, it may charge the occupier, of such

manner directed by this Act, at such rate as it may think fit.

44. (1) Besides the taxes mentioned in the Water-tax. foregoing sections, a committee, with the previous sanction of the Local Government, may, for the purpose of constructing or maintaining works for the supply of water to the municipality or paying the principal or interest of any loan raised for the construction of such works, impose, in manner directed by this Act, a tax, to be called the water-tax, upon buildings or lands which are so situated that their occupiers can benefit by the works.

(2) The rate or amount of the tax so imposed on different buildings or lands may be determined with reference, among other considerations, to their distance from the nearest point at which the water is deliverable by the works and to their level; but in fixing it regard shall be had to the principle that the total net proceeds of the tax, with the estimated income from payments for water supplied from the works under special contracts, should not exceed the amount required for the said purposes.

45. (1) A committee may, at a special meeting, pass a resolution to propose the imposition of any tax under section 42, section 43 or section 44.

(2) When such a resolution has been passed the committee shall publish a notice, defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed and the system of assessment to be adopted.

(3) Any inhabitant objecting to the proposed tax may, within thirty days from the publication of the said notice, submit his objection in writing to the committee; and the committee shall, at a special meeting, take his objection into consideration.

(4) If no such objection is received within the said period of thirty days, or if all such objections, having been considered as aforesaid, are deemed insufficient, the committee may forward its proposal to the Local Government, with the objections (if any) which have been submitted as aforesaid, and its decision thereupon.

(5) The Local Government, on receiving such proposal, may sanction or refuse to sanction the same, or return it to the committee for further consideration.

(6) When any such proposal which requires the further sanction of the Governor General in Council has been sanctioned by the Local Government, it shall submit the same to the Governor General in Council, with the objections (if any) received through the committee; and the Governor General in Council may sanction the proposal, or refuse to sanction it, or return it to the Local Government for further consideration.

(7) When any proposal of a committee has been sanctioned by the Local Government, or by the Local Government and the Governor General in Council, as the case may be, the committee may, at a special meeting, direct the imposition of the tax in accordance with such

*The Punjab Municipal Bill, 1891.**(Chapter III.—Taxation.—Sections 46-53.)*

(8) In giving such direction the committee shall fix a date on which the tax shall come into force:

Provided that—

- (a) no tax shall come into force until its imposition has been notified;
- (b) no tax shall come into force in less than three months from the date of the meeting at which its imposition is directed;
- (c) a tax leviable by the year shall come into force on the first day of January or on the first day of April or on the first day of July or on the first day of October in any year, and, if it comes into force on any day other than the first day of January, shall be leviable by the quarter till the first day of January then next ensuing.

(g) A notification of the imposition of a tax under this Act shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Act.

46. A committee may, by a resolution passed at a special meeting and confirmed by the Local Government, abolish or reduce in amount any tax imposed under the foregoing sections.

47. (1) A committee may exempt, in whole or in part, for any period not exceeding one year, from the payment of any such tax any person who by reason of poverty may in its opinion be unable to pay the same, and may renew such exemption as often as may be necessary.

(2) A committee may, by resolution passed at a special meeting and confirmed by the Local Government, and the Local Government may by order, exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

48. (1) If at any time it appears to the Local Government, on complaint made or otherwise, that any tax imposed under the foregoing sections is unfair in

its incidence or that the levy thereof or of any part thereof is injurious to the interests of the general public, it may require the committee to take within a specified period measures to remove the objection; and, if within that period the requirement is not complied with to the satisfaction of the Local Government, the Local Government may by notification suspend the levy of the tax or of such part thereof until the objection has been removed.

(2) The Local Government may at any time by notification rescind any such suspension.

49. No assessment and no charge or demand of any tax made under the authority of this Act shall be impeached or affected by reason of any mistake in the name, residence, place of business or occupation of any person liable to pay the tax, or in the description of any property or thing liable to the tax, or of any mistake in the amount of assessment or tax or

on property, or any assessment of value for the purpose of any such tax, if the property taxed or assessed is so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

50. Any tax imposed under the foregoing sections and payable periodically shall be payable on such dates and in such instalments (if any) as the committee, with the previous sanction of the Deputy Commissioner, may from time to time direct.

51. For all sums paid on account of any tax under this Act a receipt, Receipts to be given, stating the amount and the tax on account of which it has been paid, shall be given by the person receiving the same, on request by the person making the payment.

52. (1) An appeal against the assessment or levy of any tax under this Act shall lie to the Deputy Commissioner or to such other officer as may be empowered by the Local Government in this behalf:

Provided that, when the Deputy Commissioner or such other officer as aforesaid is a member of the committee, the appeal shall lie to the Commissioner of the Division.

(2) If, on the hearing of an appeal under this section, any question as to the liability to, or the principle of assessment of, a tax arises, on which the officer hearing the appeal entertains reasonable doubt, he may, either of his own motion or on the application of any person interested, draw up a statement of the facts of the case and the point on which doubt is entertained, and refer the statement with his own opinion on the point for the decision of the Chief Court.

(3) On a reference being made under sub-section (2), the subsequent proceedings in the case shall be, as nearly as may be, in conformity with the rules relating to references to the High Court contained in Chapter XLVI of the Code XIV of 1882, of Civil Procedure.

(4) In every appeal the costs shall be in the discretion of the officer deciding the appeal.

(5) Costs awarded under this section to the committee shall be recoverable by the committee as though they were arrears of a tax due from the appellant.

(6) If the committee fail to pay any costs awarded to an appellant within ten days after the date of the order for payment thereof, the officer awarding the costs may order the person having the custody of the balance of the municipal fund to pay the amount.

53. (1) No appeal shall lie in respect of a tax on any land or building, unless it is preferred within one month after the publication of the notice prescribed by section 59 (2) or section 61 or after the date of any final order under section 60, as the case may be, and no appeal shall lie in respect of any other tax unless it is preferred within one month from the time when the demand for the tax is made:

*The Punjab Municipal Bill, 1891.**(Chapter III.—Taxation.—Sections 54-62.)*

therefor by this section if the appellant satisfies the officer before whom the appeal is preferred that he had sufficient cause for not presenting the appeal within that period.

(2) *No appeal shall be entertained unless the appellant has paid all municipal taxes due from him to the committee up to the date of such appeal.*

54. No objection shall be taken to any valuation not to be questioned except under this Act. shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than is provided in this Act.

55. (1) *The committee may, by written duty of furnishing communication, call upon true information respecting any inhabitant of the regarding liability to municipality to furnish municipal taxation. such information as may be necessary in order to ascertain whether such inhabitant is liable to pay any municipal tax.*

(2) *If any inhabitant so called upon to furnish information omits to furnish it or furnishes information which is untrue, he shall be punishable with fine which may extend to one hundred rupees.*

Taxes on Immoveable Property.

56. (1) *The committee shall cause an assessment-list of all buildings and lands on which any tax is imposed to be prepared, containing—*

- (a) the name of the street or division in which the property is situated;
- (b) the designation of the property, either by name or by number, sufficient for identification;
- (c) the names of the owner and occupier, if known;
- (d) the annual value, area or length of frontage on which the property is assessed; and
- (e) the amount of the tax assessed thereon by the committee.

(2) *For the purpose of preparing the list, the committee may require the owners or occupiers of the buildings or lands to furnish it with the returns of the measurements and of the rent or annual value.*

57. *When the assessment-list has been completed, the committee shall give public notice thereof, and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier of property included in the list, and any agent of such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.*

58. (1) *The committee shall at the time of the publication of such assessment-list give public notice of a time, not less than one month thereafter, when it will proceed to revise the valuation and assessment; and in all cases in which any property is for the first time assessed, or the assess-*

(2) *All objections to the valuation and assessment shall be made in writing before the time fixed in the notice, or orally or in writing at that time.*

59. (1) *After the objections have been en- Settlement of list. quired into and the persons making them have been allowed an opportunity of being heard either in person or by authorized agent, as they may think fit, and the revision of the valuation and assessment has been completed, the amendments made in the list shall be authenticated by the signatures of not less than two members of the committee, who shall at the same time certify that no valid objection has been made to the valuation and assessment contained in the list, except in the cases in which amendments have been entered therein; and, subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the year commencing on the first day of January next ensuing, as also in the case of a tax then imposed for the first time for the period between the commencement of the tax and such first day of January.*

(2) *The list when amended under this section shall be deposited in the committee's office and shall there be open during office-hours to all owners or occupiers of property comprised therein, or the agents of such persons, and a public notice that it is so open shall forthwith be published.*

60. (1) *The committee may at any time amend the list by inserting the name of any person whose name ought to have been inserted, or by inserting any property which ought to have been inserted, or by altering the assessment on any property which has been erroneously valued or assessed through fraud, accident or mistake, after giving notice, to any person interested in the amendment, of a time, not less than one month from the date of service of such notice, at which the amendment is to be made.*

(2) *Any person interested in any such amendment may tender his objection to the committee in writing before the time fixed in the notice, or orally or in writing at that time, and shall be allowed an opportunity of being heard in support of the same in person or by authorized agent, as he may think fit.*

61. *It shall be in the discretion of the committee to prepare a new assessment-list every year, or to adopt the valuation and assessment contained in the list for any year, with such alterations as may in particular cases be deemed necessary, as the valuation and assessment for the year following, giving the same notice of the valuation and assessment as if a new assessment-list had been prepared.*

62. (1) *When any property assessed to a tax under section 42, sub-section (1), division A, clause (a), or under section 44 which is payable by the year or by instalments, has remained unoccupied and unproductive of rent throughout the year or the period in respect of which any instalment is payable, the*

*The Punjab Municipal Bill, 1891.**(Chapter III.—Taxation.—Sections 63-69.)*

Provided that no such remission shall be granted unless notice in writing of the circumstances under which it is claimed has been given to the committee within the first month of the period in respect of which it is so claimed.

(2) When any such property as aforesaid—

(a) has not been occupied or productive of rent for any period of not less than sixty consecutive days, or

(b) consists of separate tenements one or more of which has or have not been occupied or productive of rent for any such period as aforesaid, or

(c) is wholly or in greater part demolished or destroyed by fire or otherwise,

the committee may remit such portion (if any) of the tax or instalment as it may think equitable.

(3) The burden of proving the facts entitling any person to claim relief under this section shall lie upon him.

(4) For the purposes of this section neither the presence of a care-taker nor the mere retention in an otherwise unoccupied dwelling-house of the furniture habitually used in it shall constitute occupation of the house.

(5) For the purposes of this section a house shall be deemed to be productive of rent if let to a tenant who has a continuing right of occupation thereof, whether it is actually occupied by such tenant or not.

63. (1) A tax payable under section 42, sub-section (1), division (A), payable by whom clause (a), shall be paid by the owner of the property in respect of which it is payable.

(2) A tax payable under section 44 shall be paid by the occupier of the property in respect of which it is payable.

64. (1) When any sum is due on account of a tax payable under this Act in respect of any property by the owner thereof, the committee shall cause a bill for the amount, stating the property and the period for which the charge is made, to be delivered to the person liable to pay the same.

(2) If the bill be not paid within ten days from the delivery thereof, the committee may cause a notice of demand to be served on that person; and, if he do not, within seven days from the service of the notice, pay the sum due, with any fee leviable for the notice, or show sufficient cause for non-payment, the sum due, with the fee, shall be deemed to be an arrear of tax.

(3) The amount of every such arrear, besides being recoverable in any other manner provided by this Act, shall, subject to any claim on behalf of Her Majesty, be a first charge on the property in respect of which it is payable, and shall be recoverable, on application made in this behalf by the committee to the Collector, as if the property were an estate assessed to land-revenue and the arrear were an arrear of such revenue due thereon:

Octroi and Tolls.

65. Every person bringing or receiving within the octroi-limits of any municipality any article on which octroi is payable shall, when required by an officer authorized by the committee in this behalf, and so far as may be necessary for ascertaining the amount of tax chargeable,—

(a) permit that officer to inspect, examine, weigh and otherwise deal with the article; and

(b) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature which he may possess relating to the article.

66. If any person, bringing or receiving a conveyance or package within the octroi-limits of a municipality in which octroi is leviable, shall refuse on the demand of an officer authorized by the committee in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before any Magistrate or member of committee, who shall cause the inspection to be made in his presence.

67. Every officer demanding octroi by the authority of the committee shall tender to every person introducing or receiving any article on which the tax is claimed a bill specifying the article taxable, the amount claimed and the rate at which the tax is calculated.

68. (1) In case of non-payment of any octroi or of any toll on demand, the officer empowered to collect the same may seize any article on which the octroi is chargeable, or any vehicle or animal on which the toll is chargeable, or any part of its burden of sufficient value to satisfy the demand.

(2) The committee may cause any property so seized, or so much thereof as may be necessary, to be sold by auction to satisfy the demand, with the expenses occasioned by the seizure, custody and sale thereof, unless the demand and expenses are in the meantime paid, after the lapse of five days from the seizure, and after the issue of a proclamation fixing the time and place of sale:

Provided that, by order of the president or a vice-president, articles of a perishable nature which could not be kept for five days without serious risk of damage may be sold after the lapse of such shorter time as he may, having regard to the nature of the articles, think proper.

69. The collection of any octroi or toll may be leased by the committee, with the previous sanction of the Commissioner, for any period not

*The Punjab Municipal Bill, 1891.**(Chapter III.—Taxation.—Section 70. Chapter IV.—Municipal Fund and Property.—Sections 71-74.)*

and collection of the octroi or toll shall in respect thereof—

- (a) be bound by any orders made by the committee for their guidance,
- (b) have such powers exercisable by officers of a committee under this Act as the committee may, from time to time, confer upon them; and
- (c) be entitled to the same remedies and be subject to the same responsibilities as if they were employed by the committee for the management and collection of the octroi or toll.

70. If goods passing the octroi-boundary of a municipality are liable to the payment of octroi, then every person who, with the intention to defraud the committee or its lessee for the collection of octroi, causes or abets the introduction of, or himself introduces or attempts to introduce, within the said octroi-boundary any such goods upon which payment of the octroi due on such introduction has neither been made nor tendered, shall be punishable with fine which may extend either to ten times the value of such octroi or to fifty rupees, whichever may be greater.

CHAPTER IV.**MUNICIPAL FUND AND PROPERTY.**

71. There shall be formed for each municipality a municipal fund, and there shall be placed to the credit thereof—

- (a) all sums received by or on behalf of the committee under this Act or otherwise;
- (b) all fines realized in cases in which prosecutions for offences committed within the municipality are instituted under this Act or the rules or under section 34 of Act V of 1861 or under the Prevention of Cruelty to Animals Act, 1890; and
- (c) the balance (if any) standing at the credit of the municipal fund of the municipality at the commencement of this Act.

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72. (1) The committee shall set apart and apply out of the municipal fund—

- (a) *first*, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it;
- (b) *secondly*, such sum as may be required to meet the charges of its own establishment, including such subscriptions and contributions as are referred to in sections 33 and 34, and such sum as may be required for the maintenance of a police-establishment under Chapter V;
- (c) *thirdly*, such sum as may be required to pay the expenses of pauper lunatics sent to public asylums from the municipality and as ought, in the opinion of the Local Government, to be paid by the committee, the expenses incurred in auditing the accounts of the committee, and such portion of the cost of any public expenditure by the Government of India or the Local Government as may be held by the Local Government

(2) Subject to the charges specified in sub-section (1) and to such rules as the Local Government may make with respect to the priority to be given to the several duties of the committee, the municipal fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the following matters within the municipality, and with the sanction of the Commissioner outside the municipality, namely:—

- (a) the construction, maintenance, improvement, cleansing and repair of public streets, bridges, embankments, drains, latrines, tanks and water-courses;
- (b) the watering and lighting of such streets or any of them;
- (c) the construction, establishment and maintenance of schools, hospitals and dispensaries, and other institutions for the promotion of education or for the benefit of the public health, and of rest-houses, sarais, poor-houses, markets, encamping-grounds, pounds and other works of public utility, and the control and administration of public institutions of any of these descriptions;
- (d) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper-asylums and other educational or charitable institutions;
- (e) the training of teachers and the establishment of scholarships;
- (f) the giving of relief and the establishment and maintenance of relief-works in time of famine or scarcity;
- (g) the supply, storage and preservation from pollution of water for the use of men or animals;
- (h) the planting and preservation of trees;
- (i) the taking of a census, the registration of births, marriages and deaths, public vaccination and any sanitary measure;
- (j) the holding of fairs and industrial exhibitions; and
- (k) all acts and things which are likely to promote the safety, health, welfare or convenience of the inhabitants, or expenditure whereon may be declared by the committee, with the sanction of the Local Government, to be an appropriate charge on the municipal fund.

73. With the sanction of the Local Government a salary of such amount as the Local Government may fix may be paid to the president of a committee, not being a salaried officer of Government, out of the municipal fund.

74. (1) In places where there is a Government treasury or sub-treasury or bank to which the Government treasury business has been made over, the municipal fund shall be kept in such treasury, sub-treasury or bank.

(2) In places where there is no such treasury, sub-treasury or bank, the municipal fund may be deposited with any banker, or person acting as a banker, who has given such security for the safe custody and repayment on demand of the fund so deposited as the Commissioner may in

*The Punjab Municipal Bill, 1891.**(Chapter IV.—Municipal Fund and Property.—Sections 75-78. Chapter V.—Municipal Police.—Sections 79-81.)*

75. (1) A committee may, from time to time, with the previous sanction of the *Commissioner*, invest any portion of its municipal fund in securities of the Government of India or such other securities as the Governor General in Council may approve in this behalf, and vary such investments for others of a like nature.

(2) The income resulting from the securities and the proceeds of the sale of the same shall be credited to the municipal fund.

76. Subject to any special reservation which may be made by the Local Government, all property of the committee, the nature hereinafter in this section specified and situated within the municipality shall be vested in and belong to the committee, and shall, with all other property which may become vested in the committee, be under its direction, management and control, and shall be held and applied by it for the purposes of this Act, that is to say:—

- (a) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depots and public buildings of every description which have been constructed or are maintained out of the municipal fund;
- (b) all public streams, springs and works for the supply, storage and distribution of water for public purposes, and all bridges, buildings, engines, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well;
- (c) all public sewers and drains, and all sewers, drains, culverts and water-courses in, alongside or under any street, and all works, materials and things appertaining thereto;
- (d) all dust, dirt, dung, ashes, refuse, animal-matter or filth or rubbish of any kind, or dead bodies of animals, collected by the committee from the streets, houses, privies, sewers, cesspools or elsewhere or deposited in places fixed by the committee under section 97;
- (e) all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto;
- (f) all land or other property transferred to the committee by the Government or by gift, purchase or otherwise for local public purposes;
- (g) all streets, and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

77. (1) The management, control and administration of every public institution maintained out of the municipal fund shall vest in the committee:

Provided that the extent of the independent authority of the committee in respect of any such institution may be prescribed by the Local Government.

of the committee, all property, endowments and funds belonging thereto shall be held by the committee in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution was so placed.

78 The committee may, with the sanction of the Local Government, transfer to Her Majesty any property vesting in the committee under section

76 or section 77, but not so as to affect any trusts or public rights subject to which the property is held.

CHAPTER V.

MUNICIPAL POLICE.

79. (1) Every committee shall, unless relieved of this obligation by the Local Government, maintain a sufficient police-establishment for police requirements within municipal limits and for the performance of the duties imposed on it by this Act.

(2) The establishment maintained under sub-section (1) shall consist either of a body of watchmen or of part of the general police-force under the Local Government within the meaning of section 2 of Act V of 1861, or partly of one and partly of the other, as the Local Government may determine, and shall consist of such number of officers and men, who shall respectively receive such pay, leave-allowances, gratuities and pensions as the committee may from time to time, after consultation with the District Magistrate and the Inspector General of Police, and subject to the final decision of the Local Government, direct.

80. (1) The Local Government may relieve any committee of the whole or part of the cost of the police-establishment, and may enter into a contract with the committee, on such terms as may be agreed on, that, in consideration of such relief, the committee shall pay periodically a sum not exceeding the amount thereof, or undertake any services within the municipality to which the municipal fund can properly be applied, and which are estimated to cost not more than the amount of the relief.

(2) When a committee has been relieved under this section of the whole or part of the cost of the police-establishment which it is required to maintain, the Local Government shall maintain such police-establishment as it shall consider necessary, and the establishment so maintained may consist either of a body of watchmen or of a part of the general police-force under the Local Government within the meaning of section 2 of Act V of 1861, or partly of one and partly of the other.

81. (1) If the establishment maintained under this Chapter consist wholly or in part of watchmen, they

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(*Chapter V.—Municipal Police.—Sections 82-84. Chapter VI.—Powers for Sanitary and other Purposes.—Sections 85-91*)

general control of the District Magistrate;

- (b) shall be appointed and promoted, and shall be liable to dismissal, suspension, reduction or fine, under such rules as the Local Government may make in this behalf;
- (c) shall perform such duties as the Local Government may, subject to the provisions of this Act, direct; and
- (d) shall possess the same powers, be entitled to the same assistance, enjoy the same protection, be subject to the same responsibilities and be liable to the same penalties as if they were police-officers enrolled under Act V of 1861.

(2) Any person obstructing any such watchman in the discharge of his duties may be arrested without warrant by a police-officer or by any such watchman.

82. If the establishment maintained under this Chapter or any portion of the general police-force, the Local Government may, notwithstanding anything contained in Act V of 1861 or in any other Act for the time being in force, define, subject to the provisions of this Act, the duties which the officers and men of the establishment or such portion thereof may or may not be required to perform.

83. (1) Every member of a police-establishment under this Act shall give immediate information to the committee of any offence committed against this Act or the rules or bye-laws, and shall be bound to assist all members, officers and servants of the committee in the exercise of their lawful authority.

(a) Every member of such police-establishment may arrest any person committing in his view any offence against this Act or the rules or bye-laws—

- (a) if the name and address of the person are unknown to him, and
- (b) if the person declines to give his name and address, or if there is reason to doubt the accuracy of the name and address if given.

(3) A person arrested under this section may be detained until his name and address have been correctly ascertained:

Provided that no person so arrested shall be detained longer than may be necessary for bringing him before a Magistrate *except under the order of a Magistrate* for his detention.

84. When special police-protection is, in the opinion of the Local Government, requisite on the occasion of any fair, agricultural show or industrial exhibition managed by a committee, the Local Government may provide such protection, and the committee shall pay the whole charge thereof or such

The Punjab Municipal Bill, 1891.

POWERS FOR SANITARY AND OTHER PURPOSES.

Streets and Buildings.

85. When any land is required for a new street or for the improvement of an existing street,

Power to acquire land for building-sites ad- the committee may proceed to acquire, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on both sides of the street

86. The committee may close temporarily any street vested in it or any part thereof for the purpose of repairs, or for the purpose of constructing or repairing any sewer, drain, culvert or bridge, or for any other public purpose; and may divert, discontinue or close permanently any such street, and sell the land or such part thereof as *may not be required* for the purposes of this Act.

87. The committee may grant permission in writing for the temporary occupation of any street or land vested in it for the

Power to permit temporary occupation of streets, &c. purpose of depositing any building-materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of persons passing by or dwelling or working in the neighbourhood, and may charge fees for such permission, and may at its discretion withdraw the permission.

88. The committee may attach to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience.

89. (1) The committee may cause a name to be given to any street, and to be affixed on any building in such place as it *may think fit*, and may also cause a number to be affixed to any building; and in like manner may, from time to time, cause such names and numbers to be altered.

(2) Whoever shall destroy, pull down or deface any such name or number, or put up any different name or number from that put up by order of the committee, shall be punishable with fine which may extend to twenty rupees.

90. The committee may direct that, within certain limits, to be fixed by walls not to be made of it, the roofs and external inflammable materials, walls of huts or other buildings shall not be made or renewed of grass, mats, leaves or other highly inflammable materials *without* the permission of the committee in writing; and the committee may, by written notice, require any person who has disobeyed any such direction to remove or alter the roofs or walls so made or renewed as it may think fit.

91. (1) Should any building or part of a building project beyond the regular line of a street, either existing or determined

Power to regulate line of buildings.

*The Punjab Municipal Bill, 1891.**(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 92-93.)*

the building on either side thereof, the committee may, whenever such building or part has been either entirely or in greater part taken down or burnt down, or has fallen down, by notice require such building or part, when being re-built, to be set back to or towards the said regular line or the front of the adjoining buildings; and the portion of the land added to the street by such setting back or removal shall become part of the street and shall vest in the committee:

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back.

(2) The committee may, on such terms as it may think fit, allow any building to be set forward for the improvement of the line of the street.

92. (1) Every person who intends to erect or re-erect any building shall, if required to do so by any bye-law, give notice in writing in the manner hereinafter prescribed of his intention to the committee, and the committee may within six weeks after the receipt of such notice either refuse to sanction the said building, or may sanction the said building either absolutely or subject to any written directions which the committee may deem fit to issue in respect of all or any of the matters following, namely:—

- (a) free passage or way in front of the building;
- (b) space to be left about the building to secure free circulation of air and facilitate scavenging and for the prevention of fire;
- (c) ventilation, and the provision and position of drains, privies or cesspools;
- (d) level and width of foundation, level of lowest floor and stability of structure; and
- (e) the line of frontage with neighbouring buildings, if the building abuts on a street;

and the person erecting or re-erecting any such building as aforesaid shall obey all such written directions:

Provided that the committee shall make full compensation to the owner for any damage which he may sustain in consequence of the prohibition of the re-erection of any building, or of its requiring any land belonging to him to be added to the street.

(2) Any person giving notice to the committee under sub-section (1) shall, if required to do so by any bye-law, along with his notice forward a plan and specification of the building which he intends to erect or re-erect, together with a site-plan of the land of such character and with such details as the bye-law may require. No notice under sub-section (1) shall be valid until such plans and specification have been supplied.

(3) In any case to which sub-section (2) does not apply, the committee may within fifteen days from the receipt of any notice under sub-section (1) require a person who has given such notice to submit within one week of the receipt of the notice a sufficient plan and

land, with such reasonable details as the committee may prescribe in its requisition; and in such case the notice shall not be valid until such plans and specification have been supplied.

(4) Should any such building be begun or erected without giving notice, or without submitting such plans and specification as aforesaid or in contravention of any legal order of the committee issued within six weeks of receipt of a valid notice under sub-section (1), the committee may, by notice to be delivered within a reasonable time, require the building to be altered or demolished as it may deem necessary.

(5) Should the committee neglect or omit for six weeks after the receipt of a valid notice under sub-section (1) to make and deliver to the person who has given such notice any order in respect thereof, it shall be deemed to have sanctioned the proposed building absolutely.

(6) Every sanction for the erection or re-erection of any building which shall be given, or deemed to have been given, by a committee shall be available for one year from the date on which the notice shall have become valid and complete, and no longer, and should the building so sanctioned not have been begun by the person who has obtained such sanction or some one lawfully claiming under him within such year, it shall not be begun without fresh sanction; but such person as aforesaid may at any subsequent time give fresh notice to the committee in the manner hereinbefore prescribed, and thereupon the provisions hereinbefore contained shall apply to such notice.

93. (1) The committee may by bye-laws regulate in respect of the erection to make bye-laws as to or re-erection of any building within the municipality—

- (a) the materials and method of construction to be used for external and party walls, roofs, floors, fire-places and chimneys;
- (b) the position of fire-places, chimneys, drains, privies and cesspools;
- (c) the height and slope of the roof above the uppermost floor upon which human beings are to live, or cooking operations are to be carried on;
- (d) the number and height of the storeys of which the building may consist; and
- (e) the means to be provided for egress from the building in case of fire:

Provided that the committee may by resolution dispense with the observance of any or all of the bye-laws made under this section in regard to the erection or re-erection of any building specified in the resolution.

(2) If in and during the erection or re-erection of any building any bye-law under this section is contravened, the committee may by notice, to be delivered within a reasonable time, require the building to be altered or demolished within the space of thirty days, as it may deem necessary:

Provided that no such notice shall issue in respect of the contravention of any bye-law of

*The Punjab Municipal Bill, 1891.**(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 94-100.)*

(3) This section shall not take effect in any municipality until it has been specially extended thereto by the Local Government at the request of the committee.

Definition of expression. 94. The expression "erect, re-erect or re-erect any building" includes—

- (a) any material alteration or enlargement of any building,
- (b) the conversion into a place for human habitation of any building not originally constructed for human habitation,
- (c) the conversion into more than one place for human habitation of a building originally constructed as one such place,
- (d) the conversion of two or more places of human habitation into a greater number of such places,
- (e) such alterations of the internal arrangements of a building as effect an alteration of its drainage or sanitary arrangements, or affect its security, and
- (f) the addition of any rooms, buildings, out-houses or other structures to any building.

95. (1) It shall not be lawful, without the written permission of the committee, for the owner or occupier of any building to add to, or place against or in front of, the building any projection or structure overhanging, projecting into or encroaching on any street or into or on any drain, sewer or aqueduct therein.

(2) The committee may, by notice, require the owner or occupier of any building to remove or alter any such projection or encroachment as aforesaid:

Provided that, in the case of any projection or encroachment lawfully in existence at the commencement of this Act, the committee shall make reasonable compensation for any damage caused by the removal or alteration.

(3) The committee may by resolution give permission to the owners or occupiers of buildings in any particular street to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement-wall, and at a height from the level of the ground or street, to be specified in the resolution.

Bathing and Washing Places.

96. The committee may set apart suitable places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants; and may, by public notice, prohibit bathing, or washing animals or clothes, in any public place not so set apart, or at times or by persons other than those specified, and any other act by which water in public places may be rendered foul or unfit for use.

Deposit of Offensive Matter and Slaughter-places.

97. The committee may fix places within or with the approval of the

cipality for the deposit of refuse, rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals, and may by public notice give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or dead bodies of animals may be removed along any street and deposited at such places.

98. (1) The committee may, with the approval of the *District Magistrate*, fix premises either within or without the limits of the municipality for the slaughter of animals for sale, or of any specified description of such animals, and may with the like approval grant and withdraw licenses for the use of such premises, or, if they belong to the committee, charge rent or fees for the use of the same.

(2) When such premises have been fixed by the committee beyond municipal limits, it shall have the same power to make rules for the inspection and proper regulation of the same as if they were within those limits.

(3) When any such premises have been fixed, no person shall slaughter any such animal for sale within the municipality at any other place.

(4) Should any one slaughter for sale any such animal at any other place within the municipality, he shall be punishable with fine which may extend to twenty rupees.

99. (1) The committee may by bye-law fix premises within the municipality in which the slaughter of animals of any particular kind not for sale shall be permitted, and prohibit, except in case of necessity, such slaughter elsewhere within the municipality:

Provided that no such bye-law shall apply to animals slaughtered for any religious purpose.

(2) This section shall not take effect in any municipality until it has been specially extended thereto by the Local Government at the request of the committee.

100. (1) Whenever any animal in the charge of any person dies otherwise than by slaughter either for sale or for some religious purpose, the person in charge therof shall within twenty-four hours either—

(a) convey the carcase to a place (if any) fixed by the committee under section 97 for the disposal of the dead bodies of animals, or

(b) give notice of the death to the committee, whereupon the committee shall cause the carcase to be disposed of.

(2) Every person bound to act in accordance with sub-section (1) shall, if he fail so to act, be punishable with fine which may extend to ten rupees.

(3) In respect of the disposal of the dead body of an animal under clause (b) of sub-section (1), the committee may charge such fee as the committee, with the sanction of the Commissioner, may, by bye-law, have prescribed.

(4) For the purposes of this section the word "animal" shall be deemed to mean all horned cattle, elephants, camels, horses, ponies, asses, mules, deer, sheep, goats, swine and other

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(Chapter VI.—Powers for Sanitary and other Purposes—Sections 101-110.)

Burial and Burning Places

101. (1) The committee may, by public notice, Powers in respect of order any burial or burning burial and burning ground which is, in its place opinion, dangerous to the health of persons living in the neighbourhood to be closed from a date to be specified in the notice, and shall, in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

(2) Private burial-places in such burial-grounds may be excepted from the notice, subject to such conditions as the committee may impose in this behalf.

Provided that the limits of such burial-places are sufficiently defined, and that they shall only be used for the burial of members of the family of the owners thereof.

(3) No burial or burning ground, whether public or private, shall be made or formed, after the commencement of this Act, without the permission in writing of the committee.

(4) Should any person bury or burn, or cause or permit to be buried or burnt, any corpse in any burial or burning ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, he shall be punishable with fine which may extend to fifty rupees.

102. The committee may, by public notice, prescribe routes for the Removal of corpses. removal of corpses to burial or burning places.

Inflammable Materials

103. The committee may, where it appears to Inflammable materials. it to be necessary for the prevention of danger to life or property, by public notice, prohibit all persons from stacking or collecting wood, dry grass, straw or other inflammable materials, or placing mats or thatched huts or lighting fires in any place or within any limits specified in the notice.

104. In any municipality to which section 93 has been specially extended by the Local Government, the committee may by bye-law prohibit the lighting of fires in the top storey of any building which by reason of its contiguity to other buildings might be a source of danger to the latter in the event of a fire breaking out within it, and the walls of which storey do not exceed seven feet in height, or the placing of stands for lamps and candles in any position which the committee may deem to be dangerous to the public safety.

105. The committee may by bye-law prohibit the storage of more than a fixed maximum quantity of any explosive, petroleum, spirit, naphtha or other inflammable material in any building not registered or licensed under section 135.

Powers of Entry and Inspection.

106. (1) The committee, by any person authorized by it in this behalf, Inspection of drains, wells and cess-pools. may, between sunrise and sunset, enter into any building or upon any land, and

inspect any drains, privies or cesspools therein or thereon, and may cause the ground to be opened where such person as aforesaid may think fit for the purpose of preventing or removing any nuisance arising from the drains, privy, or cesspools.

(2) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building, but if it be found that no nuisance exists, or but for such opening would have arisen, the ground or portion of any building, drain or other work, if any, opened, injured or removed for the purpose of such inspection shall be filled in, reinstated and made good by the committee.

(3) No building other than a latrine shall be entered under this section until six hours' notice in writing has been given to the occupier of the building by the committee or by the person authorised by the committee to make the entry.

107. (1) The committee, by any person authorized by it in this behalf, Power to enter and inspect buildings. may, after giving twenty-four hours' notice to the occupier, or, if there be no occupier to the owner, of my building, at any time between sunrise and sunset enter and inspect the building, and may by notice direct all or any part thereof to be forthwith internally or externally lime-washed, disinfected or otherwise cleansed for sanitary reasons.

(2) If the building to be inspected is a stable for horses or a house or shed for cows or other cattle, previous notice shall not be requisite before inspection.

108. The committee, by any person authorised by it in this behalf, Other power of entry on buildings or land. after giving twenty-four hours' notice to the occupier, or, if there be no occupier, to the owner, of any building or land, may at any time between sunrise and sunset—

- enter on and survey and take levels of any land;
- enter, inspect and measure any building for the purpose of valuation;
- enter into any building or on any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains or of executing or repairing any work which it is by this Act empowered to execute or maintain.

109. The committee, by any person authorised by it in this behalf, Power to enter for discovery of vehicles or animals liable to taxation. may, at any time between sunrise and sunset, enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Act for which a license has not been duly taken out.

110. The committee, by any person authorised by it in this behalf, Power to inspect places for sale of food or drink, &c., and to seize unwholesome articles exposed for sale.

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(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 111-120)

food or drink for man, or as a slaughter-house, or for the sale of drugs, and inspect and examine any food or drink, animal or drug which may be therein; and, if any article of food or drink or any animal therein appears to be intended for the consumption of man and to be unfit therefor, may seize and remove the same, or may cause it to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such consumption.

and, in case it is reasonably suspected that any drug is adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may remove the same, giving a receipt therefor, and may cause the owner thereof to be brought before a Magistrate for enquiry whether any offence has been committed in respect thereof, and for orders as to the disposal of the said drug.

House-scavenging.

111. The removal of filth, rubbish, ordure or other offensive matter Definition of house-scavenging. from a privy, cesspool or other common receptacle for such matter in or pertaining to a house or building is called house-scavenging.

112. (1) Subject to the provisions hereinafter contained with respect to the customary rights of scavenging generally. Undertaking by committee. the committee may at any time undertake the house-scavenging of any house or building on the application or with the consent of the occupier.

(2) The committee may, by public notice undertake the house-scavenging of any houses or buildings in the municipality from any date not less than two months after issue of the notice.

(3) The occupier of any house or building affected by the notice may at any time after the issue thereof apply to the committee to exclude that house or building from the notice.

(4) The committee shall consider and pass orders upon every such application within six weeks of the receipt thereof, and may by any such order exclude such house or building from the notice.

(5) In deciding whether to exclude any house or building from the notice, the committee shall consider, among other matters, the efficiency of the arrangements for house-scavenging made by the occupier (if any) and the purpose to which he applies the matter dealt with in house-scavenging.

113. Notwithstanding anything in the last Savings in favour of foregoing section, the committee shall not, except in accordance with the provisions of this Chapter,—

(a) undertake the house-scavenging of any house or building in respect whereof any sweeper has a customary right to do such house-scavenging;

(b) without the consent of the occupier, undertake the house-scavenging of any house or building occupied by an agriculturist who himself cultivates land within municipal limits or in a village conterminous therewith.

114. When once the committee has undertaken the house-scavenging once undertaken by committee of any house or building under this Chapter, it may continue to perform such house-scavenging with or without the consent of the occupier for the time being of such house or building.

115. When the committee has undertaken the obligation of committee to perform house-scavenging properly the house scavenging of any house or building, it shall be bound to perform the same properly until it shall have relieved itself of the obligation by an order under section 112, sub-section (4).

116. The servants of the committee employed Powers of municipal servants for house-scavenging may at all reasonable times do all scavenging purposes, things necessary for the proper performance of any house-scavenging undertaken by the committee.

117. All matter removed by the servants of visiting in committee of collections from house-scavenging shall belong to the committee.

118. (1) Should a sweeper who has a customary right to do the house scavenging of a house or building (hereinafter called the customary sweeper) fail to perform such house-scavenging in a proper way and at reasonable intervals, the occupier of the house or building or the committee may complain to a Magistrate.

(2) The Magistrate receiving such complaint shall hold an enquiry, and, should it appear to him that the customary sweeper has failed to perform the house-scavenging of the house or building in a proper way or at reasonable intervals, he may impose upon such sweeper a fine which may extend to ten rupees, and, upon a second or any later conviction in regard to the same house or building, may also direct the right of the customary sweeper to do the house-scavenging of the house or building to be forfeited, and thereupon such right shall be forfeited accordingly.

119. (1) Should an agriculturist who himself cultivates land within municipal limits or in a village conterminous therewith fail to provide for the proper house-scavenging of any house or building occupied by him, the committee may complain to a Magistrate.

(2) The Magistrate receiving the complaint shall hold an enquiry, and, should it appear to him that the agriculturist has not provided for the proper house-scavenging of the house or building, he may pass an order empowering the committee to undertake the same, and thereupon the committee shall be entitled to undertake such house-scavenging.

Search for inflammable or explosive material in excess of authorised quantity.

120. (1) The committee may at any reasonable time, by any person authorised by it in writing search for inflammable or explosive material in excess of authorised quantity in this behalf, enter upon unauthorised quantity, and inspect any house or building which is suspected to contain petroleum, explosive or other inflammable material.

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(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 121-128.)

in excess of the quantity permitted to be kept in such house or building under the provisions of this Act or of any rule, bye-law or public notice made or published thereunder.

(2) Should any such excess quantity of such material be discovered it may be seized and held subject to such order as a Magistrate may pass with respect to it.

(3) If the Magistrate decide that the material seized was stored in the house or building contrary to the provisions of this Act, or of any rule, bye-law or public notice made or published thereunder, he shall pass an order confiscating the same.

(4) Subject to any general rules for the time being applicable thereto, the material so confiscated may be sold by order of the Magistrate, and the proceeds, after defraying the expenses of such sale, shall be credited to the municipal fund.

(5) No order of confiscation under this section shall operate to prevent any other criminal or civil proceedings to which the person storing the material in excessive quantity may be liable.

Water-pipes, Privies and Drains.

121. The committee may, by notice, require the owner of any building for rain water or land in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the building or land and for discharging the same so as not to inconvenience persons passing along the street.

122 (1) The committee may, by notice, require the owner of any privy, &c., building or land to remove or provide any drain, privy, cesspool or other receptacle for filth, or provide any additional drains, privies, cesspools or other receptacles as aforesaid which should in its opinion be provided for the building or land, in such manner as the committee may direct, or to make to the reasonable satisfaction of the committee and maintain in good order a drainage connection with any public sewer or drain not situated more than one hundred feet from such building or land as aforesaid:

Provided that the said owner shall not be liable for any default in making or maintaining such drainage connection if the land through which the said drainage connection is required to pass does not belong to him, and he can prove that the default is caused by the act of the owner or occupier of such last-mentioned land.

(2) The committee may, by notice, require any person employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit, and to cause the same to be kept in proper order and to be daily cleaned.

(3) The committee may, by notice, require the owner or occupier of any building or land to have any privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the committee may direct, any door or trapdoor of any privy opening on to any street or drain.

123. (1) The committee may, by notice, repair and close require the owner or occupier of drains, privies and cesspools of any building or land to repair, alter or put in good order any drain, privy or cesspool, or to close any drain, privy or cesspool belonging thereto.

(2) The committee may, by notice, require any person who may construct any new drain, privy or cesspool without its permission in writing or contrary to its directions or regulations or to the provisions of this Act, or who may construct, rebuild or open any drain, privy or cesspool which it has ordered to be demolished or stopped up or not to be made, to demolish the drain, privy or cesspool, or to make such alteration therein as it may think fit.

124. The committee may, by notice, require any person who without its permission in writing may unauthorized buildings over drains, &c., newly erect or rebuild any building over any sewer, drain, culvert, water-course or water-pipe vested in the committee to pull down or otherwise deal with the same as it may think fit.

125. The committee may, by notice, require Removal of latrines, any owner or occupier on whose land any drain, water-supply latrine, urinal, cesspool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, to remove or close the same within one week from the service of such notice.

126. The committee may, by notice, require the owner or occupier of any land or building to cleanse, repair, cover, fill up or drain off any private well, tank, reservoir, pool, depression or excavation therein which may appear to the committee to be injurious to health or offensive to the neighbourhood:

Provided that, if for the purpose of effecting any drainage under this section it should be necessary to acquire any land not belonging to the same owner or to pay compensation to any person, the committee shall provide such land or pay such compensation.

Dangerous Buildings and Places.

127. Should any building, or any well, tank, reservoir, pool, depression buildings, wells, tanks, or excavation be, for want &c., to be secured, or of sufficient repair, protection or enclosure, dangerous to persons passing by or dwelling or working in the neighbourhood, the committee may, by notice, require the owner or occupier thereof to repair, protect or enclose the same; and, should it appear to it to be necessary in order to prevent imminent danger, it shall forthwith take such steps to avert the danger as may be necessary.

128. Should any building, wall or structure or Building, &c., in any bank or tree, be deemed to be in a ruinous state or in any way dangerous, it may, by notice, require the owner or occupier thereof to repair, protect or enclose the same; and, should it appear to it to be necessary in order to prevent imminent danger, it shall forthwith take such steps to avert the danger as may be necessary.

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either to remove the same or to cause such repairs to be made to the building, wall, structure or bark as the committee may consider necessary for the public safety; and, should it appear to it to be necessary in order to prevent imminent danger, the committee shall forthwith take such steps to avert the danger as may be necessary.

Buildings and Grounds in Unsanitary Condition.

129. The committee may, by notice, require the owner or occupier of any land to clear away and remove any thick vegetation or undergrowth which may appear to the committee to be injurious to health or offensive to the neighbourhood.

130. The committee may, by notice, require the owner or occupier of any land to cut or trim within three days the hedges and trees growing thereon and bordering on any street, or any branches of trees growing thereon which overhang any street and obstruct the same or cause danger thereto, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof.

131. Should the owner or occupier of any building or land suffer the same to be in a filthy or unwholesome state, the committee may, by notice, require him within twenty-four hours to cleanse the same or otherwise put it in a proper state.

132. Should any building, or any part of any building, appear to the committee to be unfit for human habitation in consequence of the want of proper means of drainage or ventilation or other sufficient reason, the committee may, by notice, prohibit the owner or occupier thereof from using the same for human habitation, or suffering it to be so used, until it has been rendered fit for such use to the reasonable satisfaction of the committee.

133. The committee may, by notice, require the owner or part-owner, or person claiming to be the owner or part-owner, of any building or land which, by reason of abandonment or disputed ownership or other cause, has remained untenanted and become a resort of idle and disorderly persons or otherwise a nuisance to secure or enclose the same within a reasonable time fixed in the notice.

134. (1) The Local Government may, on the report of the Sanitary Commissioner or of the Civil Surgeon that the cultivation of any description of crop or the use of any kind of manure or the irrigation of land in any specified manner in any place within the limits of any municipality is injurious to the health of persons dwelling in the neighbourhood, by notification prohibit the cultivation of such crop, the use of such manure or the use of the method of irrigation so

reported to be injurious, or impose such conditions with respect thereto as may prevent the injury:

Provided that, when on any land to which such notification applies the act prohibited has been practised during the five years next preceding the notification in the ordinary course of husbandry, compensation shall be paid from the municipal fund to all persons interested therein for any damage caused to them by the effect of such notification.

(2) Should any person disobey any notification issued under sub-section (1), he shall be punishable with fine which may extend to fifty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Offensive and Dangerous Trades.

135. (1) The owner or occupier of every place within the municipality used for any of the following purposes, namely:—

melting tallow ;
boiling bones, offal or blood ;
as a soap-house, oil-boiling house, dyeing-house or tannery ;
as a brickkiln, pottery or limekiln ;
as any other manufactory or place of business from which offensive or unwholesome smells arise ;

as a yard or dépôt for trade in hay, straw, thatching-grass, wood or coal, or other dangerously inflammable material ;

as a store-house for any explosive, or for petroleum or any inflammable oil or spirit, shall register the same in a book to be kept by the committee for the purpose.

(2) No place shall be newly used for any of the said purposes except under a license from the committee, which shall be renewable annually.

(3) The license shall not be withheld unless the committee consider that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in, or frequenting, the immediate neighbourhood.

(4) The committee may charge fees according to a scale to be approved by the Commissioner for such licenses, and may impose such conditions in respect thereof as it may think necessary.

(5) Whoever, without such registration and without a license, uses any such place for any such purpose as aforesaid shall be punishable with fine which may extend to fifty rupees, and with a further fine not exceeding ten rupees for every day during which the offence is continued after he has been convicted of such offence.

(6) The owner or occupier of any place registered under sub-section (1) may apply to have that place licensed under this section. When any such place has been licensed, the registration of that place shall thereby be cancelled, and shall not be renewed.

136. (1) Whenever it is shown to the satisfaction of the committee that power to prohibit any place registered or licensed under the last pre-

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ceding section is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, the committee may, by notice, require the occupier thereof to discontinue the use of such place, or to use it in such manner as will, in the opinion of the committee, render it no longer a nuisance or dangerous.

(2) Whoever, after any such notice has been given, uses such place, or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous, shall be punishable with fine which may extend to two hundred rupees, and with a further fine not exceeding forty rupees for every day during which the offence is continued after he has been convicted of such offence.

Regulation of manufacture, preparation and sale of food and drink.

Power for committee to regulate manufacture, preparation and sale of food and drink

137. (1) The committee may by bye-law—

- (a) prohibit the manufacture or preparation for sale of any specified articles of food or drink in any premises not licensed by the committee;
- (b) regulate the grant and withdrawal of licenses to premises for the manufacture or preparation for sale of such specified articles of food or drink;
- (c) regulate the hours and manner of transport within the municipality of any specified articles of food or drink;
- (d) fix the places in which any specified article of food or drink may be sold or exposed for sale or the places in which it may not be sold or exposed for sale:

Provided that no person shall be punishable for breach of any bye-law made under clause (a) or clause (d) of this sub-section by reason of the continuance of such manufacture, preparation or exposure for sale, or sale upon any premises which are at the time of the making of such bye-law used for such purpose until he has received from the committee six months' notice in writing to discontinue such manufacture, preparation or exposure for sale, or such sale, in such premises.

(2) This section shall not take effect in any municipality until it has been specially extended thereto by the Local Government at the request of the committee.

Dangerous Animals.

138. (1) A committee, by any person authorised by it in this behalf, *Destruction of mad dogs.* may destroy or cause to be destroyed, or confine or cause to be confined for such period as the committee may direct, any dog suffering from rabies or reasonably suspected to be suffering from rabies.

(2) No damages shall be payable in respect of any dog destroyed under this section.

Restraint of Infection.

Information to be given of cholera or small-pox.

139. Whenever—

(a) being a medical practitioner or a person *constantly and constantly practising the medical profession, and in the course of*

existence of cholera or small-pox in any dwelling other than a public hospital, or, in default of such medical practitioner or person practising the medical profession,

(b) *being the owner or occupier of such dwelling, and being cognisant of the existence of cholera or small pox therein, or, in default of such owner or occupier,*

(c) *being the person in charge of or in attendance on any person suffering from cholera or small-pox in such dwelling, and being cognisant of the existence of the disease therein,*

fails to give information, or gives false information to the committee respecting the existence of such disease, shall be punishable with fine which may extend to fifty rupees:

Provided that a person not required to give information in the first instance, but only in default of some other person, shall not be punishable if it be shown that he had reasonable cause to suppose that the information had been or would be duly given.

Removal to hospital of cholera and small-pox patients.

140. When any person suffering from cholera or small-pox is—

- (a) without proper lodging or accommodation, or
- (b) living in a sarai or other public hostel, or
- (c) living in a room or house which he neither owns nor pays rent for, or
- (d) lodged in premises occupied by members of two or more families, and any of such occupiers objects to his continuing to lodge in such premises,

the committee, by any person authorised by it in this behalf, may, on the advice of any medical officer of rank not inferior to that of an Assistant Surgeon, remove the patient to any hospital or place at which persons suffering from such disease are received for medical treatment, and may do anything necessary for such removal.

141. Should the committee consider that the prohibition by committee of use of unwholesome water in any well, tank or other place is likely, if used for drinking, to endanger or cause the spread of any dangerous disease, it may by public notice prohibit the removal or use of such water for drinking.

142. Neither of the last two foregoing sections shall take effect in any municipality until it has been specially extended thereto by the Local Government at the request of the committee.

Power to make Bye-laws.

Power to make bye-laws.

143. (1) Any committee may by bye-law—

- (a) render licenses necessary for the proprietors or drivers of vehicles, boats or animals kept or plying for hire within the limits of the municipality, and fix the fees payable for such licenses and the conditions on which they are to be

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(b) limit the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance, or of animals hired to carry loads, or for the services of persons hired to carry loads, and the loads to be carried by such conveyances, animals or persons when hired within the municipality for a period not exceeding twenty-four hours, or for a service which would ordinarily be performed within twenty-four hours;

(c) provide for the proper registration of births, marriages and deaths, and for the taking of a census;

(d) fix, and from time to time vary, the number of persons who may occupy a building or part of a building which is let in lodgings or occupied by members of more than one family; and provide—

- (i) for the registration and inspection of such buildings;
- (ii) for promoting cleanliness and ventilation in such buildings;
- (iii) for the notices to be given and the precautions to be taken in the case of any infectious disease breaking out in such buildings; and
- (iv) generally for the proper regulation of such buildings;

(e) provide—

- (i) for the inspection and proper regulation of encamping-grounds, pounds, sarais, markets, *dhabis*, *ghadis*, flour-mills and slaughter-houses;
- (ii) for the holding of fairs and industrial exhibitions within the municipality or under the control of the committee, and for fixing fees to be levied thereat;
- (iii) for controlling and regulating the use and management of burial and burning grounds;
- (iv) for the supervision and regulation of public wells, tanks, springs or other sources from which water is or may be made available for public use;

(f) where the collection of an octroi has been sanctioned, fix octroi-limits for the purpose of collecting the same;

(g) regulate the exhibition of tables of octroi, the system under which refunds are to be made on account thereof when the animals or goods on which the octroi has been paid are again exported, and the custody or storage of animals or goods declared not to be intended for use or consumption within the municipality into which they are brought;

(h) require and regulate—

- (i) the exhibition of tables showing the rates of tolls chargeable on vehicles and animals entering the municipality;
- (ii) the appointment by owners of buildings or lands in the municipality, who are not resident in the municipality, of persons residing within or near the municipality, to act as their agents for

all or any of the purposes of this Act or any rule thereunder;

(j) regulate the assessment and collection of any tax imposed under this Act and the fees payable in respect of notices of demand;

(k) in any municipality where a reasonable number of slaughter-houses has been provided or licensed by the committee, control and regulate the admission within the municipal limits for the purpose of sale of the flesh (other than cured or preserved meat) of any cattle, sheep, goat or swine slaughtered at any slaughter-house or place not maintained or licensed under this Act; and

(l) generally provide for carrying out the purposes of this Act:

Provided that no bye-law made under clause (a) or clause (b) by the committee of a municipality in which the Hackney Carriage Act, 1879, is in XIV of 1879, force shall apply to any vehicle to which that Act applies.

(2) By-laws under clause (g) may, among other matters, provide a period of limitation after which no claim for refund of octroi shall be entertained, and also that no such refund shall be made when the amount thereof would be less than one rupee.

(3) When a cantonment authority, with the sanction of the Governor General in Council, has agreed with the committee of an adjoining municipality that the same octroi-limits shall be established for the cantonment and the municipality, and that octroi-collections and charges shall be divided between the cantonment fund and the municipal fund, the committee may fix limits under clause (f), of sub-section (i) so as to include so much both of the cantonment and of the municipal area as it may deem necessary, and shall have the same powers of collecting octroi on animals or goods brought within such limits, and the provisions of this Act relating to octroi shall apply in the same way as if the said limits were wholly comprised in the area of the municipality.

144. The committee of a municipality wholly or in part situated in a hilly tract may further make bye-laws—

(a) for regulating or prohibiting the cutting or destroying of trees or shrubs, or the making of excavations or removal of soil or quarrying, where such regulation or prohibition appears to the committee to be necessary for the maintenance of a water-supply, the preservation of the soil, the prevention of land-slips or of the formation of ravines or torrents, or the protection of land against erosion or the deposit thereon of sand, gravel or stones;

(b) for the regulation or prohibition of any description of traffic in the streets where such regulation or prohibition appears to the committee to be necessary for the prevention of danger or grave inconvenience to the public;

(c) for rendering licenses necessary for using premises within bazaars as stables or cow-houses;

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(d) for rendering licenses necessary within the municipality—

- (i) for persons working as job porters for the conveyance of goods;*
- (ii) for animals or carriages let out on hire for a day or part thereof, and*
- (iii) for persons impelling or carrying such carriages;*

(e) for fixing the fees payable for such licenses as are referred to in this section, and the conditions on which such licenses are to be granted and may be revoked; and

(f) for regulating the charges to be made for the services of such job porters as aforesaid and for the hire of such animals or carriages, and for the remuneration of persons who impel or carry such carriages.

145. (1) In making any bye-law under any section of this Chapter, the committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees,

and, when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues.

(2) In lieu of or in addition to such fine, the Magistrate may require the offender to remedy the mischief so far as within his power.

146. (1) No bye-law made under any section Confirmation or bye-law of this Chapter shall come into force until it has been confirmed by the Local Government and published for such time and in such manner as the Local Government may prescribe in this behalf.

(2) The Local Government may cancel its confirmation of any such bye-law, and thereupon the bye-law shall cease to have effect.

Supplemental.

147. (1) When any notice under this Chapter Execution of act, required to be done by any notice requires any act to be done for which no time is fixed by this Act, it shall fix a reasonable time for doing the same.

(2) Whenever it is provided by this Act that any such notice may be given to the owner or occupier of any land or building, and the owner and occupier are different persons, such notice shall be given to the one of them primarily liable to comply with such notice, and in case of doubt to both of them:

Provided that in any such case where there is no owner resident within the municipality, the delivery of such notice to the occupier shall be sufficient.

(3) Whenever the terms of any such notice have not been complied with, the committee may, after six hours' notice, by its officers cause the act to be done.

148. (1) Where, under this Act, the owner or occupier of property is required by the committee to execute any work and default has been made in complying with the requirement, and the committee has executed the work, the committee may recover the cost thereof from the person in default.

(2) As between themselves and the committee both owner and occupier shall be deemed to be in default for the purposes of this section, but that one of them shall be deemed to be primarily in default upon whom as between landlord and tenant the duty of doing the required act would properly fall either in pursuance of the contract of tenancy or by law.

(3) When the person primarily in default is the owner, and the committee has recovered the whole or any part of the cost from the occupier, or he has paid the same upon its demand, he may deduct the sum so recovered or paid from the rent from time to time becoming due from him to the owner, or otherwise recover it from such owner.

(4) Provided that no occupier shall be required to pay under sub-section (3) any sum greater than the amount for the time being due from him to the owner, either in respect of rent due at the date of such demand as aforesaid or thereafter accruing, unless he has refused on application to him by the committee truly to disclose the amount of his rent and the name and address of the person to whom it is payable; but the burden of proof that the sum so demanded by the committee from the occupier exceeds the rent due at the time of the demand, or which has since accrued due, shall lie on the occupier.

(5) All money recoverable by a committee under this section may be recovered either by suit or on application to a Magistrate having jurisdiction within the municipality by distress and sale of the moveable property of the person from whom the money is recoverable, and if payable by the owner of the property shall, until it is paid, be a charge on the property.

(6) Nothing in this section shall affect any contract between an owner and an occupier.

149. (1) The committee may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the committee, its officers and servants under this Act, and shall make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

(2) Should any dispute arise touching the amount of any compensation which the committee is required by this Act to pay for injury to any building or land, it shall be settled in such manner as the parties may agree, or, in default of agreement, in the manner provided by the Land Acquisition Act, 1870, with reference to X of 1870, the acquisition of and payment of compensation for land for public purposes so far as it can be made applicable.

Appeals from orders of committee.

- (1) Any person aggrieved—
 - (a) by the prohibition by a committee under section 92 of the erection or re-erection of a building, or
 - (b) by a notice from a committee under sub-section (4) of section 92 or sub-section (2) of section 93 requiring the alteration or demolition of a building, or
 - (c) by any order made by a committee under the powers conferred upon it by section 105, 132 or 136,

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(Chapter VI.—Powers for Sanitary and other Purposes.—Section 151. Chapter VII.—Offences affecting the Public Health, Safety or Convenience.—Sections 152-161.)

may appeal within thirty days from the date of such prohibition, notice or order to such officer as the Local Government may appoint for the purpose of hearing such appeals or any of them, or, failing such appointment, to the Commissioner in the case of a committee of a first class municipality, or to the Deputy Commissioner in the case of a committee of a second class municipality, and no such prohibition notice or order shall be liable to be called in question otherwise than by such appeal:

Provided that if in the latter case the Deputy Commissioner or such other officer as aforesaid be himself a member of the committee, the appeal shall lie to the Commissioner.

(2) The appellate authority may, if it shall think fit, extend the period allowed by sub-section (1) for appeal.

(3) The order of the appellate authority confirming, setting aside or modifying the prohibition, notice or order appealed from shall be final.

Provided that the prohibition, notice or order shall not be modified or set aside until the appellant and the committee have had reasonable opportunity of being heard.

151. Every order of forfeiture under section 118 and every order under section 119 or section 120 shall be subject to appeal to the next superior Court, but shall not be otherwise open to appeal or revision.

CHAPTER VII.

**OFFENCES AFFECTING THE PUBLIC HEALTH,
SAFETY OR CONVENIENCE**

152. Whoever, without the permission of the committee or in disregard of its orders, throws or deposits, or permits his offensive matter on servants or members of his roads or into drains to throw or deposit, earth or materials of any description, or refuse, rubbish or offensive matter of any kind, upon any street or place, or into any public sewer or drain or any drain communicating therewith, shall be punishable with fine which may extend to twenty rupees.

153. Whoever, without the permission of the committee, causes or knowingly or negligently allows the water of any sink, sewer or cesspool, or any other offensive matter, to flow, drain or be put upon any street or place, or into any sewer or drain not set apart for the purpose, shall be punishable with fine which may extend to twenty rupees.

154. Whoever, being the owner or occupier of any building or land, keeps or knowingly or negligently allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil or filth or any noxious or offensive matter in or upon such building or land, or suffers any such receptacle to be in a state of any noxious state, or neglects to employ

proper means to cleanse and purify the same, shall be punishable with fine which may extend to fifty rupees.

155. Whoever, without the permission of the committee, makes or causes drains without authority to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the committee shall be punishable with fine which may extend to fifty rupees.

156. Whoever, without the permission of the committee, makes or keeps or keeping latrines, &c., for a longer time than one week after notice under section 125 any drain,

latrine, urinal, cesspool or other receptacle for filth or refuse within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use shall be punishable with fine which may extend to twenty rupees, and, when a notice has issued, with a further fine not exceeding five rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

157. Whoever keeps any swine in disregard of any orders which the committee may give to prevent them from becoming a nuisance, or keeps any other animal so as to be injurious to the health of the inhabitants or of animals or so as to become a nuisance, shall be punishable with fine which may extend to twenty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

158. Whoever feeds or allows to be fed any animal which is kept for dairy purposes or may be used for food on deleterious substances, filth or refuse of any kind shall be punishable with fine which may extend to fifty rupees.

159. Whoever drives any vehicle after dark in any street at more than a walking pace, unless the vehicle is properly supplied with lights or there is sufficient moonlight to render lights unnecessary, shall be punishable with fine which may extend to twenty rupees.

160. Whoever discharges fire-arms or lets off fire-works or fire-balloons, or engages in any game, in such a manner as to cause or be likely to cause danger to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property, shall be punishable with fine which may extend to twenty rupees.

161. Whoever, being in charge of any elephant, camel or bear, omits on control of elephants or camels being requested to do so to remove as far as may be practicable his elephant, camel or bear to a safe distance on the approach of a horse, whether ridden or driven, shall be punishable with fine which may extend to twenty rupees.

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*(Chapter VII.—Offences affecting the Public Health, Safety or Convenience.—
Sections 162-171. Chapter VIII.—Extinction and Prevention of Fire.—
Sections 172-173.)*

162. Whoever, contrary to any orders of the committee, takes an elephant along a street shall be punishable with fine which may extend to twenty rupees.

163. Whoever, being the owner or person in charge of any dog which is likely to annoy or intimidate passengers, neglects to restrain it so that it shall not be at large without a muzzle in any street shall be punishable with fine which may extend to twenty rupees.

164. Whoever, without the permission of the committee, alters, obstructs or encroaching upon or encroaches upon any street, sewer, drain or water-course, or displaces, takes up or alters the pavement or other materials or the fences or posts of any street, or deposits building-materials or makes any hole or excavation on or in any street, or removes material from beneath any street so as to occasion risk of surface subsidence, shall be punishable with fine which may extend to fifty rupees.

165. Whoever quarries, blasts, cuts timber or quarrying, blasting, carries on building-operations in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, shall be punishable with fine which may extend to fifty rupees.

166. Whoever, contrary to the orders of the committee, picks animals or collects carts on any public ground, or uses any such ground as a halting-place for vehicles or animals of any description or as a place of encampment, or causes or permits animals to stray, shall be punishable with fine which may extend to twenty rupees.

167. Whoever carries a corpse along a route prohibited by the committee or in a manner as to cause annoyance, likely to cause annoyance to the public, shall be punishable with fine which may extend to ten rupees.

168. Whoever, without being authorised by the committee, defaces or destroys direction-posts, lamp-posts, &c. or lamp-post, or extinguishes any light in any public place, shall be punishable with fine which may extend to ten rupees.

169. Whoever disobeys any lawful direction given by the committee by public notice under the powers conferred upon it by the last foregoing Chapter, or any written notice lawfully issued by it under the powers so conferred, or fails to comply with the conditions subject to which any permission was given by the committee to him under those powers, shall, if the disobedience or omission is not an offence punishable under any other section, be punishable with fine which may extend to fifty rupees, and, in the case of a continuing breach with a further fine

after the first during which the breach continues.

Provided that, when the notice fixes a time within which a certain act is to be done and no time is specified in this Act, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Act.

170. When any order of the kind specified in section 101, section 136 suspended in certain cases. to appraisal, and an appeal has been instituted against it, all proceedings to enforce such order and all prosecutions for any breach thereof shall be suspended pending the decision of the appeal, and, if such order is set aside on appeal, disobedience thereto shall not be deemed to be an offence.

171. Should the flesh of any cattle, sheep, goat or swine be brought within the municipal limits in contravention of any bye-law made under section 143, it may be seized by any officer of the committee authorised in that behalf, and may be destroyed or otherwise disposed of as the committee may direct.

CHAPTER VIII.

EXTINCTION AND PREVENTION OF FIRE.

172. For the prevention and extinction of fire the committee may maintain a fire-brigade and may provide any implements, machinery or means of communicating intelligence which the committee may think necessary for the efficient discharge of their duties by the brigade.

173. (1) On the occasion of a fire in a municipality any Magistrate, the secretary of the committee, any member of committee, any member of a fire-brigade maintained by the committee then and there directing the operations of men belonging to the brigade, and (if directed so to do by a Magistrate, or the secretary or a member of committee) any Police-officer above the rank of constable may—

- (a) remove or order the removal of any person who by his presence interferes with or impedes the operations for extinguishing the fire or for saving life or property;
- (b) close any street or passage in or near which any fire is burning;
- (c) for the purpose of extinguishing the fire break into or through or pull down, or cause to be broken into or through or pulled down, or used for the passage of hoses or other appliances, any premises;
- (d) cause mains and pipes to be shut off so as to give greater pressure of water in or near the place where the fire has occurred;
- (e) call on the persons in charge of any fire-engine to render such assistance as

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(Chapter VIII.—Extinction and Prevention of Fire.—Sections 174-175.
Chapter IX.—Control—Sections 176-181.)

(1) generally take such measures as may appear necessary for the preservation of life or property.

(2) No person shall be liable to pay damages for any act done by him under sub-section (1) in good faith.

(3) Any damage done in the exercise of a power conferred or a duty imposed by this section shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

174. The powers conferred by the last foregoing section shall be subject to any regulations, conditions or restrictions which may be imposed by rule.

175. No portion of this Chapter shall take effect in any municipality until it has been specially extended thereto by the Local Government at the request of the committee.

CHAPTER IX.

CONTROL.

176. (1) The Commissioner of the division or Control by Commissioner and Deputy Commissioner of the district may—

(a) enter on, inspect and survey, or cause to be entered on, inspected and surveyed, any immoveable property within the limits of the division or district respectively occupied by any committee or joint committee, or any work in progress within those limits under its directions;

(b) by order in writing call for and inspect any book or document in the possession or under the control of any committee or joint committee having authority within the said limits;

(c) by order in writing require any such committee or joint committee to furnish such statements, accounts, reports and copies of documents relating to the proceedings or duties of the committee as he may think fit to call for; and

(d) record in writing, for the consideration of any such committee or joint committee, any observations he may think proper in regard to the proceedings or duties of the committee.

(2) Every committee shall submit such periodical reports to the Deputy Commissioner or other authority as the Local Government may direct.

177. The Commissioner or Deputy Commissioner may, by order Power to suspend in writing, suspend, with action of committee, in the division or district respectively, the execution of any resolution or order of a committee or joint committee, or prohibit the doing of any act within the said limits which is about to be done, or is being done, in pursuance of or under cover of this Act, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution, order or act, is likely

to lead to a breach of the peace, or to cause injury or annoyance to the public or to any class or body of persons.

178. (1) In cases of emergency the Deputy Commissioner may provide

Extraordinary powers for the execution of any work, or the doing of any act, which a committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public and may direct that the expense of executing the work or of doing the act shall be forthwith paid by the committee.

(2) Should the expense be not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as may from time to time be possible, from that balance, in priority to all other charges against the same.

179. (1) When the Commissioner, after due

Power to provide for enquiry, is satisfied that a performance of duties committee of the first class in case of default of has made default in performing any duty imposed upon it under this Act, he may, by an order in writing, fix a period for the performance of that duty; and, should it not be performed within the period so fixed, he may appoint some person to perform it, and may direct that the expense thereof shall be paid within such time as he may fix by the committee.

(2) Should the expense be not so paid, the Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as may from time to time be possible from that balance, in priority to all other charges against the same.

(3) The Deputy Commissioner shall have the same powers with respect to committees of the second class as are by this section conferred upon the Commissioner with respect to committees of the first class.

180. When the Deputy Commissioner makes Action of Deputy Commissioner or Commissioner to be immediately reported. any order under section 177, section 178 or section 179, he shall forthwith forward to the Local Government through the Commissioner, and, when the Commissioner makes any order under section 177 or section 179, he shall forthwith forward to the Local Government a copy thereof, with a statement of the reasons for making it, and with such explanation if any, as the committee may wish to offer; and the Local Government may thereupon confirm, modify or rescind the order.

181. (1) The Local Government, and the Powers of Local Government and its offices Commissioners and Deputy Commissioners acting over committees. under the orders of the Local Government, shall be bound to require that the proceedings of committees shall be in conformity with law and with the rules in force under any enactment for the time being applicable to the Punjab generally or to the areas over which the committees have authority.

(2) The Local Government may exercise all powers necessary for the performance of

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(Chapter IX.—Control.—Sections 182-184.)

this duty, and may, among other things, by order in writing, annul or modify any proceeding which it may consider not to be in conformity with law or with such rules as aforesaid.

(3) The Commissioner of the division and the Deputy Commissioner may, within their jurisdiction, for the same purpose exercise such powers as may be conferred upon them by rule made in this behalf by the Local Government.

182. (1) *Should a committee be incompetent to perform, or persistently make default in the performance of, the duties imposed on it by or under this or any other Act, or exceed or abuse its powers, the Local Government may, with the previous approval of the Governor General in Council, by notification, in which the reasons for so doing shall be stated, declare the committee to be superseded.*

Provided that, in case of public emergency, such notification may be issued without the previous approval of the Governor General in Council, but shall be forthwith reported to the Governor General in Council and shall be subject to his orders.

(2) When a committee is so superseded, the following consequences shall ensue:—

- (a) all members of the committee shall, from the date of the notification, vacate their seats;
- (b) all powers and duties of the committee may, until the committee is reconstituted, be exercised and performed by such person as the Local Government may appoint in that behalf;
- (c) all property vested in the committee shall, until the committee is reconstituted, vest in Her Majesty.

(3) The Local Government may, if it shall think fit, at any time constitute another committee in the place of any committee superseded under this section.

183. (1) If any dispute, for the decision of which this Act does not otherwise provide, arises between two or more committees constituted under this Act, or between any such committee and a district board or cantonment authority, the matter shall be referred—

- (a) to the Deputy Commissioner if the local authorities concerned are in the same district;
- (b) to the Commissioner or Commissioners of the division or divisions if the local authorities concerned are in different districts; and
- (c) to the Local Government if the local authorities concerned are in different divisions and the Commissioners of those divisions cannot agree.

(2) The decision of the authority to which any dispute is referred under this section shall be final.

(3) If, in the case mentioned in clause (a), the Deputy Commissioner is a member of one of the committees or boards concerned, his functions under the section shall be discharged by the Commissioner.

184. (1) The Local Government may frame forms for any proceeding Power of Local Gov. to frame forms of a committee for which and make rules it considers that a form should be provided, and may make rules consistent with this Act—

- (a) with respect to the powers and duties of committees in municipalities of the first and of the second class respectively;
- (b) as to the division of municipalities into wards, or of the inhabitants into classes, or both;
- (c) as to the number of representatives proper for each ward or class;
- (d) as to the qualifications of electors and of candidates for election;
- (e) as to the registration of electors;
- (f) as to the nomination of candidates, the time of election and the mode of recording votes;
- (g) generally for regulating all elections under this Act;
- (h) fixing the term of office of members and presidents of committees;
- (i) prescribing the qualifications requisite in the case of persons appointed by a committee to offices requiring professional skill;
- (j) as to the priority to be given to the several duties of the committee;
- (k) as to the authority on which money may be paid from the municipal fund;
- (l) as to the appointment, promotion, suspension, reduction, fixing and dismissal of municipal watchmen;
- (m) as to the formation and working of municipal fire-brigades;
- (n) as to the procedure to be observed for the punishment or dismissal of servants of the committee;
- (o) as to the conditions on which property vested in the committee may be transferred by sale, mortgage, lease, exchange or otherwise;
- (p) as to the intermediate office or offices, if any, through which correspondence between committees or members of committees and the Local Government or officers of that Government shall pass;
- (q) as to the preparation of plans and estimates for works to be partly or wholly constructed at the expense of committees, and as to the person by whom, and the conditions subject to which, such plans and estimates are to be sanctioned;
- (r) as to the accounts to be kept by committees, as to the conditions on which such accounts are to be open to inspection by inhabitants paying any tax under this Act, as to the manner in which such accounts are to be audited and published, and as to the power of the auditors in respect of disallowance and surcharge;
- (s) as to the preparation of estimates of income and expenditure of committees, and as to the person by whom, and the conditions subject to which, such estimates may be sanctioned;
- (t) as to the returns, statements and reports to be submitted by committees.

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(Chapter IX.—Control.—Section 185. Chapter X.—Supplemental.—Sections 186-190.)

- (u) as to the powers to be exercised by Commissioners and Deputy Commissioners under section 181;
- (v) as to the language in which business shall be transacted, proceedings recorded and notices issued;
- (w) as to the publication of notices; and
- (x) generally for the guidance of committees and public officers in carrying out the purposes of this Act.

(s) Rules under clause (g) of sub-section (1) may, among other matters, provide—

- (i) for the investigation of allegations of corrupt practices or intimidation at elections;
- (ii) for making void the election of any person proved to the satisfaction of the Local Government or of the Commissioner, as the municipality may be of the first or of the second class, to have been guilty of corruption or intimidation, or to have connived at or abetted the exercise of corruption or intimidation on his behalf by any other person;
- (iii) for rendering incapable of municipal office either permanently or for a term of years any person whose election may have been made void as aforesaid for corruption or intimidation or for connivance at or abetment of the same; and
- (iv) for the definition of the practices at municipal elections which are to be deemed to be corrupt or to amount to intimidation.

185. In all matters connected with this Act the Local Government shall have and exercise over Commissioners and Deputy Commissioners, and Commissioners shall have and exercise over Deputy Commissioners, the same authority and control as they respectively have and exercise over them in the general and revenue administration.

CHAPTER X.

SUPPLEMENTAL.

Prosecutions.

186. No Court shall take cognisance of any offence punishable under this Act or any rule or bye-law except on the complaint of the committee or of some person authorised by the committee in this behalf.

Explanation.—The committee may authorise persons to prosecute either generally in regard to all offences against this Act and the rules thereunder or particularly in regard only to specified offences or offences of a specified class. The person authorised may be authorised by office if he is president, vice-president or secretary of the committee. In other cases the authority must be personal. The authority must in all cases be in writing, and may at any time be cancelled by the committee.

187. (1) In any municipality of the first class the Local Government, after a sum of money has been paid by way of composition for an offence, may empower the committee, with the president, vice-president,

sident, or secretary, or any sub-committee thereof, to accept from any person against whom a reasonable suspicion exists that he has committed an offence against this Act or any rule or bye-law a sum of money by way of composition for such offence.

(2) On payment of such sum of money the suspected person if in custody shall be discharged, and no further proceedings shall be taken against him in regard to the offence or alleged offence so compounded for.

(3) Sums paid by way of composition under this section shall be credited to the municipal fund.

(4) Power under sub-section (1) to accept composition for alleged offences may be given either generally in regard to all offences under this Act and the rules and bye-laws, or particularly in regard only to specified offences or offences of a specified class, and may at any time be withdrawn by the Local Government.

(5) The Local Government may make rules to regulate the proceedings of persons empowered to accept composition under this section for alleged offences.

188. No Judge or Magistrate shall be deemed to be a party to, or personally interested in, any prosecution for an offence punishable under this Act or any rule or bye-law, or under any other law, within the meaning of section 555 of the Code of Criminal Procedure, 1882, by reason only that he is a member of the committee by the order, or under the authority, of which it has been instituted.

X of 1882.

Rules and Bye-laws.

189. (1) The authority empowered to make any rules or bye-laws which require the sanction of the Local Government shall, before making such rules or bye-laws, publish, in such manner as may, in its opinion, be sufficient for giving information to persons interested, a draft of the proposed rules or bye-laws, with a notice specifying a date at or after which the draft will be taken into consideration; and shall, before making such rules or bye-laws, receive and consider any objection or any suggestion which may be made by any person with respect to the draft before the date so specified.

(2) If, on such consideration of the draft, any modification is made, the Local Government shall determine whether it is desirable to re-publish the draft under this section.

(3) Every such rule or bye-law shall be notified in English, and in such other language or languages as the Local Government may direct; and such notification shall be conclusive evidence that such rule or bye-law has been made as is required by this section.

190. (1) A copy of all rules and bye-laws made Rules to be available under this Act for any for purchase and in municipality shall be kept at the committee's office, and shall be open during office hours without charge to the inspection of any inhabitant.

(2) Copies of all such rules and bye-laws shall be kept at the committee's office for sale to the public at a price not exceeding one rupee.

The Punjab Municipal Bill, 1891.

(Chapter X.—Supplemental.—Sections 191-195.)

Notices.

191. (1) Every notice issued by a committee Authentication, service and validity of notices under this Act or under any rule or bye-law shall be in writing, signed by the president, vice-president, secretary or assistant secretary, or by the members of any sub-committee specially authorised by the committee in that behalf, and may be served on the person to whom it is addressed, or delivered or left at his usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so served, may be affixed to some conspicuous part of his place of abode or business.

(2) When the place of abode or business of the person to whom the notice is addressed is not within the limits of the municipality, the notice may be served by posting it in a registered cover addressed to his usual place of abode.

(3) If the owner of any property has no abode or place of business within the municipality, every such notice addressed to him as such owner may be served on the occupier.

(4) When the place of abode or business of the occupier of any property is not known, every such notice addressed to him as such occupier may be served by affixing it to some conspicuous part of the property.

(5) No notice issued by the committee under this Act or under any rule or bye-law shall be invalid for defect of form.

192. When any notice is under the provisions of this Act to be given to or served on the owner or occupier of any property and he is unknown, it may be given or served—

(a) by delivering a written notice to some person on the property, or, should there be no person on the property to whom it can be delivered, by affixing it to some conspicuous part of the property; or

(b) by putting into the post a prepaid letter containing a written notice, and addressed by the description of the "owner" or "occupier" of the property (naming it) in respect of which the notice is given, without further name or description.

193. Every public notice given by a committee Publication of public notices. under this Act or any rule or bye-law shall be published by proclamation or in such other manner as the Local Government may, by rule, direct.

Alteration of Boundaries and Class of Municipality.

194. The Local Government may, by notification published in the official Gazette, and in such other manner as it may determine, declare its intention—

to exclude from a municipality any local area in respect of which it is proposed to alter the boundaries of the same and to define in

(b) to include within a municipality any local area in the vicinity of the same and defined in the notification.

Provided that, where the local area is a military cantonment or part of a military cantonment, no notification affecting it shall be published under this section without the previous consent of the Governor General in Council.

195. (1) Any inhabitant of a municipality or local area in respect of which a notification has been published under section 194 may, should he object to the alteration proposed, submit his objection in writing through the Deputy Commissioner to the Local Government within six weeks from the publication of the notification in the Gazette; and the Local Government shall take such objection into consideration.

(2) When six weeks from the publication of the notification have expired, and the Local Government has considered the objections (if any) which have been submitted under sub-section (1), the Local Government may, by notification, exclude the local area from the municipality or include it therein as the case may be.

196. (1) When any local area has been excluded from a municipality under section 195,—

(a) this Act, and all rules, bye-laws, orders, directions and powers made, issued or conferred under this Act shall cease to apply thereto; and

(b) the Local Government shall, after consulting the committee, frame a scheme determining what portion of the balance of the municipal fund and other property vested in the committee shall vest in Her Majesty for the benefit of such local area, and in what manner the liabilities of the committee shall be apportioned between the committee and the Secretary of State for India in Council; and, on the scheme being notified, the property and liabilities shall vest and be apportioned accordingly.

(2) All property vested in Her Majesty under sub-section (1) shall be applied under the orders of the Local Government to discharging the liabilities imposed on the Secretary of State for India in Council under that sub-section, or for the promotion of the safety, health, welfare or convenience of the inhabitants of the said local area.

197. When any local area has been included in a municipality under section 195, this Act and, except as the Local Government may otherwise by notification direct, all rules, bye-laws, orders, directions and powers made, issued or conferred under this Act and in force throughout the whole municipality at the time, shall apply to such area.

198. The Local Government may, after consulting the committee, direct, by notification, that any municipality be transferred from one class to another.

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(Chapter X.—Supplemental.—Sections 199-206.)

Powers to except and withdraw Municipalities from provisions of Act.

199. (1) *Should the circumstances of any municipality be such that, in the opinion of the Local Government, any of the provisions of this Act are unsuited thereto, the Local Government may, by notification, except the municipality from the operation of those provisions; and thereupon the said provisions shall not apply to the municipality until applied thereto by notification.*

(2) *While such exception as aforesaid remains in force, the Local Government may make rules for the guidance of the committee and public officers in respect of the matters excepted from the operation of the said provisions.*

200. (1) *The Local Government may, by notification, withdraw the whole area comprised in the municipal area altogether from operation of any municipality from the operation of this Act.*

(2) *When a notification is issued under this section in respect of any local area, this Act, and all rules, regulations, bye-laws, orders, directions and powers made, issued or conferred under this Act, shall cease to apply to the said area; and the balance of the municipal fund, and all other property at the time of the issue of the notification vested in the committee, shall vest in Her Majesty, and the liabilities of the committee shall be transferred to the Secretary of State for India in Council.*

(3) *All property vested in Her Majesty under sub-section (2) shall be applied under the orders of the Local Government to discharge the liabilities imposed on the Secretary of State for India in Council by that sub-section, or for the promotion of the safety, health, welfare or convenience of the inhabitants of the said area.*

Miscellaneous.

201. *Any arrears of any tax or fee or any other money claimable by Recovery of taxes, a committee under this Act &c. may be recovered, on application to a Magistrate having jurisdiction within the limits of the municipality, by the distress and sale of any moveable property within those limits belonging to the person from whom the money is claimable.*

202. *When any building used as a human dwelling is entered under Precautions to be observed in entering this Act, due regard shall be paid to the social and dwellings. religious sentiments of the occupiers; and, before any apartment in the actual occupancy of any woman, who, according to custom does not appear in public, is entered under this Act, notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.*

203. (1) *In the absence of a written contract to the contrary, every sweeper employed by a committee shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specified period and discharged at the end of it.*

(2) *Should any sweeper employed by a committee in the absence of a written contract authorising him so to do and without reasonable cause resign his employment or absent himself from his duties without giving one month's notice to the committee, or neglect or refuse to perform his duties or any of them, he shall be liable to imprisonment which may extend to two months.*

(3) *The Local Government may, by notification, direct that, on and from a date to be specified in the notification, the provisions of sub-sections (1) and (2) with respect to sweepers shall apply also to any specified class of servants employed by any committee whose functions intimately concern the public health or safety.*

204. (1) *On the complaint of three or more inhabitants of a municipality that a house in their immediate neighbourhood and within the limits of the municipality is used as a brothel or by disorderly persons of any description to the annoyance of the respectable inhabitants of the vicinity, any Magistrate of the first class having, as such, jurisdiction in the place where the house is situated may summon the owner or tenant of the house to answer the complaint; and on being satisfied that the house is so used, and is a source of annoyance and offence to the neighbours, may order the owner or tenant to discontinue such use of it; and, if he shall fail to comply with such order within five days, may impose upon him a fine not exceeding twenty-five rupees for every day thereafter that the house shall be so used.*

(2) *This section shall not take effect in any municipality until it has been specially extended thereto by the Local Government at the request of the committee.*

205. (1) *When any person, by reason of his receiving the rent of immoveable property as agent or trustee, or of his being as agent or trustee the person who would receive the rent if the property were let to a tenant, would, under this Act, be bound to discharge any obligation imposed by this Act on the owner of the property and for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own *improper act* or default might have had in his hands funds belonging to the owner sufficient for the purpose.*

(2) *The burden of proving the facts entitling an agent or trustee to relief under this section shall lie on him.*

(3) *When any agent or trustee has claimed and established his right to relief under this section, the committee may give him notice to apply to the discharge of such obligation as aforesaid the first moneys which shall come to his hands on behalf of or for the use of the owner, and should he fail to comply with such notice, he shall be deemed to be personally liable to discharge such obligation.*

206. *Should any question arise whether any person or specified class of persons is or are an inhabitant or inhabitants of a local*

The Punjab Municipal Bill, 1891.

(*Chapter X.—Supplemental.—Sections 207-209. Chapter XI.—Small Towns.
—Sections 210-214. Schedule.*)

area within the meaning of this Act, the decision thereon of the *Commissioner of the division* shall be conclusive.

207. Nothing in this Act shall affect the Local Authorities Loans Act, Saving of Act XI of 1879.

Simla.

208. Whereas there is at present levied on Simla land-tax certain lands situate in the municipality of Simla a tax at the rate of ten rupees per two thousand five hundred square yards or fraction of two thousand five hundred square yards, the said tax shall be deemed to be a tax lawfully imposed and assessed under this Act and leviable in addition to any other tax leviable hereunder.

209 *The house and frontage taxes which Simla house and have been levied in the frontage taxes. municipality of Simla since the year 1885 shall, at the rates charged in the year 1890, be deemed to have been and to be duly imposed under this Act.*

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CHAPTER XI.

SMALL TOWNS.

210. (1) *The Local Government may, by notification, declare that, with respect to some or all of the matters upon which a municipal fund may be expended under section 72, improved arrangements are required within a specified area, which, nevertheless, it is not expedient to constitute as a municipality.*

(2) *An area in regard to which a notification has been issued under sub-section (1) is herein-after called a notified area.*

(3) *No area shall be made a notified area if it contains more than ten thousand inhabitants according to the returns of the most recent official census, or unless it contains a town or bazaar and is not a purely agricultural village*

*Power of Local Gov-
ernment to impose taxa-
tion and regulate ex-
penditure of proceeds
thereof.*

211. (1) *The Local Gov-
ernment may—*

(a) *impose in any notified area any tax which could be imposed there by the committee if the notified area were a municipality,*

(b) *apply or adapt to the notified area, for the assessment and recovery of any tax imposed under clause (a), any of the provisions of this Act, or of any rules for the time being in force, with respect to the assessment and recovery of any tax imposed under this Act;*

(c) *arrange for the due expenditure of the proceeds of taxes imposed under clause (a), and for the preparation and maintenance of proper accounts;*

(d) *appoint a committee of one or more persons for the purposes of clauses (b) and (c);*

(e) *extend to any notified area the provisions of any section of this Act, subject to such restrictions and modifications, if any, as the Local Government may think fit.*

(2) *The proceeds of any tax levied in any notified area under this section shall be expended only in some manner in which the municipal fund of such notified area might be expended if the notified area were a municipality.*

212. *For the purposes of any section of this Act which may be extended to a notified area, the committee appointed for such area under section 211 shall be deemed to be a municipal committee under this Act and the area to be a municipality.*

213 *The Local Government may at any time Discontinuance of under section 210.*

214. *When by reason of any order of cancellation under the last foregoing section any notified area ceases to be notified, the unexpended proceeds of any taxes levied therein under section 211 shall be applied for the benefit of the inhabitants of the said area as the Local Government may think fit.*

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SCHEDULE.

(List of places referred to in section 42.)

SIMLA.

DALHOUSIE.

DHARAMSALA.

MURREE.

L. PORTER,
Offg. Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of the Select Committee on the Bill to amend the Lower Burma Municipal Act, 1884, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 1st October 1891:

We, the undersigned Members of the Select Committee to which the Bill to amend

From E. Garnet Man, Esq., Barrister-at-Law, Rangoon, No. 29, dated 18th August, 1891, and enclosures [Papers No. 1].

Telegram from Chief Commissioner, Burma, No. 143-C, dated 3rd September, 1891; letter from Government of India, Home Department, to Chief Commissioner of Burma, No. 88, dated 2nd September, 1891; telegram from Chief Commissioner, Burma, to Government of India, Home Department, No. 142-C, dated 2nd September, 1891, endorsement by Government of India, Home Department, No. 96, dated 4th September, 1891 [Papers No. 2].

From E. Garnet Man, Esq., Barrister-at-Law, Rangoon, No. 40, dated 4th September, 1891, and enclosures [Papers No. 3].

From Chief Commissioner, Burma, No. 377—8-R M, dated 14th September, 1891, and enclosures [Papers No. 4].

the Lower Burma Municipal Act, 1884, was referred, have considered the Bill and the papers noted in the margin, and have now the

honour to submit this our Report, with the Bill as amended by us annexed thereto.

2. *Section 2.*—We have altered the word "tax" to "toll," as the latter term appears more appropriate. We have also added provisions, similar to those inserted in section 42 of the Punjab Municipal Bill, exempting from the toll animals and vehicles already taxed under clause (a), and empowering the owners of animals or vehicles to compound for exemption from tolls by paying the amount of the tax leviable under clause (d).

3. *Section 3.*—We have substituted for clause (k) of section 61, sub-section (2), of the Act the corresponding provisions of the Punjab Municipal Bill (section 72, sub-section (2), clause (k)). We consider that the committee should have power, subject to the sanction of the Local Government, to spend the municipal funds on such objects as public receptions, &c. The want of such powers has been felt in other parts of India.

4. *Section 4.*—We have substituted "six weeks" for "one month" in sub-section (2) of section 75 to bring the provisions of this Bill into conformity with those adopted for the Punjab. In clause (c) we have added the words "and for the prevention of fire;" this addition appears absolutely necessary. The words "erection or" have been struck out of the proviso, as we do not consider that any compensation should be claimable in consequence of the prohibition of the erection on land previously vacant of an objectionable building. We have struck out certain words from clause (d) of sub-section (4) as we do not consider that the conversion of two or more dwelling-houses into one should be subjected to any restrictions, especially as in clause (e) we have provided for such alterations as may affect the security of any house.

5. *Section 5.*—We have added a new section (75 A). It appears to be a desirable provision. It has been taken from section 93 of the Punjab Municipal Bill; and, as the section will not come into force in any municipality until it has been extended to it by the Local Government at the request of the committee, there is no reason to apprehend that it will prove oppressive.

6. *Section 6.*—In section 91, sub-section (1), of the Act we have enabled the committee to call on the owner of any house, &c., to remove objectionable privies, &c. We consider that the duty of carrying out such works should fall on the owner and not on the tenant.

7. *Section 7.*—We have adopted the suggestion, which appears a reasonable one, that sub-section (3) of section 92 of the Act should not come into force in any municipality until it has been specially extended thereto by the Local Government at the request of the committee. We believe that this provision sufficiently meets the objections raised to the clause as it originally stood.

8. *Section 8.*—The amendment of clause (4), section 106, of the Act has been necessitated by the addition made to section 41.

9. The publication ordered by the Council has been made as follows:—

In English.

Gazette.

Gazette of India	22nd August, 1891.
Burma Gazette	29th August, 1891.

10. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

PHIL. P. HUTCHINS.

ALEX. EDW. MILLER.

W. H. RATTIGAN.

The 30th September, 1891.

No. II.

A Bill to amend the Lower Burma Municipal Act, 1884.

WHEREAS it is expedient to amend the Lower Burma Municipal Act, 1884; It is hereby enacted as follows.

1. In section 2 of the Lower Burma Municipal Act, 1884, the word "and" at the end of the definition of "inhabitant" shall be omitted, and, after the definition of "street," the following shall be inserted, namely:

"sewage" means night-soil and other proper contents of water-closets, latrines, urinals, privies, drains and cesspools:

"drain" includes a sewer, pipe, ditch or channel, or any other device for carrying off sulliage, sewage or polluted water: and

"drainage-connection" includes—

- any drain or pipe between any water-closet, latrine, urinal, privy, bathroom, cookroom, sink, sulliage-tray, manhole or trap on the one hand and any sewer or drain set apart by the committee for sulliage, sewage and other offensive matter on the other hand, and
- any cistern, flush-tank, land, building, machinery, work or thing for collecting and passing into any sewer or drain vested in the municipal committee, or used for so collecting and passing, any sulliage, sewage or polluted water.

2. In section 41, sub-section (1), division (A), of the said Act the following shall be added after clause (d), namely:

"(e) a toll on vehicles and animals used as aforesaid entering the municipality and not liable to taxation under the preceding clause:

Provided that any person may compound for exemption from all tolls leviable in respect of any animal or vehicle under this clause by paying

the tax which would have been leviable in respect thereof under clause (d) if the same had been kept within the municipality!"

3. For section 61, sub-section (2), clause (k), the following shall be substituted, namely:

(b) Act XVII, 1884.

"all acts and things which are likely to promote the safety, health, welfare or convenience of the inhabitants, or expenditure whereon may be declared by the committee, with the sanction of the Local Government, to be an appropriate charge on the municipal fund."

4. For section 75 of the said Act the following shall be substituted, namely:

(1) Every person intending to erect or re-erect any building shall, if required by rule made by the committee in this behalf to do so, give notice in writing of his intention to the committee, and shall, if required by rule made by the committee in this behalf to do so, submit with such notice—

- a site-plan of the land;
- where the land belongs to the Government or the committee, a certified copy of the document or documents authorizing him to occupy the land, and, on the requisition of the committee, the original document or documents also if the committee desires to inspect it or them;

- a plan showing the levels at which the foundation and lowest floor or plinth are proposed to be laid, and specifications of the work intended to be constructed and the materials to be used.

"(2) The committee may at any time within six weeks thereafter, by notice, either prohibit the erection or re-erection of such building if deemed likely to be injurious to the inhabitants."

of the neighbourhood, or give any directions consistent with this Act in respect of all or any of the matters following, namely:

- (a) trespass or encroachment on land belonging to the Government or the committee,
- (b) free passage or way in front of the building;
- (c) space to be left about the building to secure free circulation of air and facilitate scavenging and for the prevention of fire;
- (d) ventilation and drainage;
- (e) level and width of foundation, level of lowest floor or of plinth and stability of structure;
- (f) line of frontage with neighbouring buildings if the building abuts on a street or public thoroughfare; and
- (g) situation of water-closets, latrines, urinals, privies, drains, cesspools, traps, sinks, sulliage-trays and wells:

Provided that the committee shall make full compensation to the owner for any damage which he may sustain in consequence of the prohibition of the re-erection of any building, or of any land belonging to him to be added to the street.

"(3) If any building is begun or erected or re-erected in contravention of any such rule as aforesaid, or in disobedience to any such prohibition as aforesaid, or in contravention of any such written direction as aforesaid, the committee may, by notice, require the building to be altered or demolished, as it may deem necessary.

"(4) The expression 'erect or re-erect any building' includes—

- (a) any material alteration or enlargement of any building;
- (b) the conversion into a place for human habitation of any building not originally constructed for human habitation;
- (c) the conversion into more than one place for human habitation of a building originally constructed as one such place;
- (d) the conversion of two or more places of human habitat on into a greater number of such places;
- (e) such alteration of the internal arrangements of a building as effects an alteration of its drainage or sanitary arrangements, or affects its security, and
- (f) the addition of any rooms, buildings, out-houses or other structures to any building."

5. After section 75 the following section shall be added, namely:

Addition of new section after section 75:
Act XVII, 1884.

"75A. (1) The committee may by rules regulate in respect of the erection or re-erection of any building within the municipality—

- (a) the materials and method of construction to be used for external and party walls, roofs, floors, fire-places and chimneys;
- (b) the position of fire-places, chimneys, drains, privies and cesspools;

(c) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on;

- (d) the number and height of the storeys of which the building may consist, and
- (e) the means to be provided for egress from the building in case of fire:

Provided that the committee may by resolution dispense with the observance of any or all of the rules made under this section in regard to the erection or re-erection of any building specified in the resolution."

(2) If in and during the erection or re-erection of any building any rule under this section is contravened, the committee may by notice, to be delivered within a reasonable time, require the building to be altered or demolished within the space of thirty days as it may deem necessary:

Provided that no such notice shall issue in respect of the contravention of any rule of which the observance has been dispensed with under the proviso to sub-section (1).

(3) This section shall not take effect in any municipality until it has been specially extended thereto by the Local Government at the request of the committee."

6. For section 91 of the said Act the following shall be substituted, section for section 91, namely:

Act XVII, 1884.

"91. (1) The committee may, by notice, require the owner of any building or land to remove or provide, in such manner as the committee may direct, any water-closet, latrine, urinal, privy, drain, cesspool, trap, sink or sulliage-tray, or any additional water-closets, latrines, urinals, privies, drains, cesspools, traps, sinks or sulliage-trays, which should, in its opinion, be provided for the building or land.

"(2) The committee may, by notice, require any person employing more than twenty workmen or labourers to provide such water-closets, latrines, urinals, privies, drains, cesspools, traps, sinks or sulliage-trays as it may think fit, and to cause the same to be kept in proper order and to be daily cleaned.

"(3) The committee may, by notice, require the owner or occupier of any building or land to have any water-closet, latrine, urinal or privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the committee may direct, any door or trap-door of a water-closet, latrine, urinal or privy opening on to any street or drain."

7. For section 92 of the said Act the following shall be substituted, namely:

Substitution of new section for section 92, Act XVII, 1884.

"92. (1) The committee may, by notice, require the owner or occupier of any building or land to close, repair, alter or put in good order any water-closet, latrine, urinal, privy, drain, cesspool, trap, sink or sulliage-tray belonging thereto.

"(2) The committee may, by notice, require any person who constructs any new water-closet, latrine, urinal, privy, drain, cesspool, trap, sink or sulliage-tray without its permission in writing or contrary to its directions or regulations or to the provisions of this Act, or who constructs, re-builds or opens any water-closet, latrine, urinal, privy, drain, cesspool, trap, sink or sulliage-tray which it has ordered to be demolished or stopped up or not to be made, to demolish the water-closet, latrine, urinal, privy, drain, cesspool, trap, sink or sulliage-tray, or to make such alteration therein as it thinks fit.

[Madras Act 1 of 1884, s. 273.] "(3) Where any building or land situated within one hundred feet of one of the sewers or drains set apart by the committee for sulliage, sewage or other offensive matter is at any time not drained to the satisfaction of the committee by any or a sufficient drainage-connection with such sewer or drain, the committee may by notice require the owner of such building or land to make and maintain a drainage-connection with the sewer or drain in such manner as the committee may, by rule made with the sanction of the Local Government, direct.

"This sub-section shall not take effect in any municipality until it has been specially extended thereto by the Local Government at the request of the committee.

"(4) The provisions of sections 109 and 110 of this Act shall apply to any default in compliance with any requisition under the last preceding sub-section, notwithstanding that part of the land through which the said drainage-connection is required to pass may not belong to the person so making default, unless he shall prove that the default was caused by the act of the owner or occupier of such last-mentioned land."

8. In section 106, clause (h), the word *Amendment of sec. XVII, 1884, and addition to same section.* "and" at the end of the clause shall be omitted; and after the said clause the following clause shall be added, namely:

"(hA) for requiring and regulating the exhibition of tables showing the rates of tolls chargeable on vehicles and animals entering the municipality; and".

L. PORTER, *ev*
Offg. Secretary to the Government of India,

